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# East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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31 May 1985

# EAST EUROPE REPORT

## POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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GERMAN DEMOCRATIC REPUBLIC

HONECKER MESSAGE TO SRV ON VICTORY ANNIVERSARY

LD300748 East Berlin ADN International Service in German 0210 GMT 30 Apr 85

[Text] Berlin, 30 Apr (ADN)--Erich Honecker, the SED general secretary, has praised Vietnam's victory over U.S. imperialism's aggression and the Saigon regime, which was hostile to the people, as an event of historic significance. South Vietnam's liberation 10 years ago occupies a glorious place in the history of the peoples' struggle for peace, national independence, and social progress. This emerges from a congratulatory telegram to the Vietnamese CP Central Committee general secretary, Le Duan, Vietnamese Council of State Chairman Truong Chinh, and Prime Minister Pham Van Dong.

"The communists and people of the GDR will never forget that it was the heroically fighting Vietnamese patriots under the Communist Party's leadership who showed U.S. imperialism the limits of its power," it further says. "The victory of Vietnam's just cause was simultaneously a result of international solidarity and indivisibly linked with the selfless support of the Soviet Union, the other socialist countries, and the whole of progressive humanity."

"This also provides important lessons for the present time in which it is necessary to resist the U.S.'s course of confrontation and arms build-up and to avert the danger of a nuclear catastrophe, and to preserve peace by way of a worldwide coalition of reason."

Vietnam's constructive foreign policy is pointed out in the letter. "Your efforts for peace and stability in Southeast Asia," it says "are a factory of increasing significance in the worldwide struggle to prevent a nuclear inferno."

CSO: 2300/392

GERMAN DEMOCRATIC REPUBLIC

HONECKER CONGRATULATES AFGHANISTAN'S KARMAL

AU301257 East Berlin NEUES DEUSTCHLAND in German 27-28 Apr 85 p 2

[Article citing telegram from Erich Honecker, GDR State Council chairman, and Willi Stoph, GDR Council of Ministers chairman, to Babrak Karmal, chairman of the Central Committee of the People's Democratic Party of Afghanistan (PDPA)]

[Text] Berlin (ND)--Erich Honecker, general secretary of the SED Central Committee and GDR State Council chairman, and Willi Stoph, chairman of the GDR Council of Ministers, have sent the following congratulatory telegram to Babrak Karmal, general secretary of the People's Democratic Party of Afghanistan [PDPA] Central Committee and head of the Revolutionary Council of the Democratic Republic of Afghanistan [DRA], and to Soltan Ali Keshtman, prime minister of the DRA:

Esteemed comrades: On behalf of the SED Central Committee, the GDR State Council, the Council of Ministers and the GDR people, as well as on our own behalf, we convey to you, to the PDPA Central Committee, the Revolutionary Council, the Council of Ministers and the people of the DRA most cordial congratulations and fraternal greetings on the seventh anniversary of the victory of the April Revolution.

Under the PDPA's leadership the Afghan people are defending their state's national sovereignty and consolidating their revolutionary achievements. We are convinced that in the future, too, all attempts of imperialism and of other revolutionary forces will fail to undo the development initiated by the April Revolution. The GDR supports the constructive proposals of the DRA for preserving peace and establishing good-neighborly relations in Southwest Asia, and values them as a contribution to preserving world peace and international detente.

It gives us great pleasure that the firm and fraternal ties between our parties, states, and peoples are fruitfully developing and deepening on the stable foundation of the Treaty on Friendship and Cooperation. In the spirit of close affinity the GDR will continue to display active solidarity with the friendly people of Afghanistan.

We wish you, esteemed comrades, new successes, the best of health, and energy for your responsible work.

CSO: 2300/392

GERMAN DEMOCRATIC REPUBLIC

AXEN TALKS WITH CHILEAN RADICAL PARTY LEADER

LD292131 East Berlin ADN International Service in German 1707 GMT 29 Apr 85

[Text] Berlin 29 Apr (ADN)--The signing of a document by all democratic forces, which calls for international dialogue, for support for life and human rights, takes a special place in the upswing of broad popular resistance against the Pinochet dictatorship. This was stated in Berlin today by Anselmo Sule, first secretary of the Chilean Radical Party and vice president of the Socialist International. [Titles as received]

Anselmo Sule was received by Hermann Axen, member of the Politburo and SED Central Committee Secretary, for a talk, in the course of which he spoke about the situation in Chile and the activity of the Chilean Radical Party. He thanked the GDR people for their comprehensive solidarity within the Chilean patriots fighting for democratic changes.

Hermann Axen reaffirmed that the SED would continue to stand in solidarity at the side of the fighters for a new and free Chile. He praised the understanding among the democratic forces in Chile about basic questions of their further path as an important event.

Both interlocutors expressed deep concern about the continuing international tensions, and the continuing arms race. They emphasized the necessity of achieving a change to arms limitation and disarmament and to return to a worldwide policy of peaceful coexistence. In this connection they praised the new disarmament negotiations between the USSR and the United States about space and nuclear weapons, and reaffirmed that substantial results in the negotiations would have a positive effect on the international situation. It is necessary that all forces interested in guaranteeing peace contribute to the creation of a favorable negotiating climate. In this sense the moratorium on the stationing of medium-range missiles by the USSR is welcomed as significant.

Hermann Axen and Anselmo Sule reaffirmed their view that guaranteeing the right to self-determination for all nations is an important precondition for the preservation of peace. Thus an easing of the situation in Central America can only be brought about by a political solution. Both politicians supported the corresponding proposals by Mexico and the other states of the Contadora Group, as well as the constructive position of Nicaragua, which are aimed at removing the dangerous tensions in the region.

CSO: 2300/1392

GERMAN DEMOCRATIC REPUBLIC

HAGER SPEECH AT RAVENSBRUECK COMMEMORATION

East Berlin NEUES DEUTSCHLAND in German 22 Apr 85 pp 3-4

[Speech by Kurt Hager, SED Central Committee Politburo member, SED secretary for culture and science, given at Fuerstenberg/Havel on 20 April: "The GDR Is a Stable Factor for Peace in Europe"]

[Text] Dear comrades of the antifascist resistance struggle, dear friends and comrades, 40 years ago, on 30 April 1945, the advance group of a unit of the second Belorussian Front reached Ravensbrueck. The Soviet Army liberated the 3,000 sick women, children, and men left in the concentration camp; it saved nearly the 18,000 prisoners that the SS had driven on the death march.

For the prisoners of Ravensbrueck concentration camp the suffering and horrors of the, in many cases years-long imprisonment, was over, the hour of freedom had come. With their hearts full of gratitude the women returned to their home countries, to their families.

For a Happy Future of the People

But how many women, girls, and children did not see the day of liberation! Over 90,000 were murdered in the "hell of Ravensbrueck." They were slain, gassed, and shot like the young German communist Katja Niederkirchner, like antifascists from the Soviet Union, Poland, France, and other countries. They froze, died from malnutrition, died because of the inhuman living conditions or the murderous working conditions in the armament enterprises of the fascists.

In this solemn hour we bow our heads in sorrow and reverence before the dead. The murdered women and innocent children of Ravensbrueck are not forgotten; just as all the victims of the fascist terror will not be forgotten. They remind us not to shun any effort to prevent a return of fascist barbarism and to fight with all our strength for peace and for a happy future for all children.

We are honoring the liberators of Ravensbrueck, the soldiers and officers of the glorious Soviet Army through this powerful rally. In the most appalling of all wars, which involved the most victims, the Soviet Union, together with its allies in the anti-Hitler coalition, achieved victory over Hitler fascism. The fighters of the antifascist resistance movement, including the German communists and other antifascists, also stood at the victory front.

The Soviet people bore the brunt of the fight; among the 50 million dead that are on the bloody account of fascism 20 million dead demonstrate the heroism, the willingness for sacrifices, and the suffering of the Soviet people that eliminated the fascist plague, liberated their homeland and many peoples of Europe, represented an unforgotten world historic deed to save civilization. With deep emotion we say: Thank you, you Soviet soldiers, you heroes of the Soviet Union! Glory and honor to all fighters against fascism!

Comrades and friends, the setting up of the women's concentration camp in Ravensbrueck is one of the worst crimes of Hitler fascism, one of the biggest crimes against humanity.

On 15 May 1939, 860 German and 7 Austrian antifascist women were brought from Lichtenburg concentration camp to Ravensbrueck as the first ones. In the 6 years of its existence in the Ravensbrueck main camp and the over 50 branch camps 132,000 prisoners were temporarily in the hands of the fascist terror regime. Women from over 20 nations saw the "hell of Ravensbrueck": women from the Soviet Union and antifascists from Poland, France and Belgium, from the northern European countries, Yugoslavia, and other states of Europe. All of them, however different their nationalities, social origins, political and ideological views, were united by hate for and the will to resist the fascist barbarism.

The international solidarity of Soviet, Polish, German and other antifascists saved Rosa Thaelmann, the comrade-in-arms and companion through life of the unforgotten leader of the German workers class. Acting courageously, women transferred to her their love and respect for Ernst Thaelmann.

#### Ravensbrueck Saw a Broad Alliance of the Resistance Struggle

The steadfastness of Olga Benario-Prestes and of other communists, their readiness to help and their unshakeable belief in the inevitable end to Nazi rule and in the victory of the workers class became a source of new strength for their fellow prisoners. Olga Benario went to the Bernburg gas chambers in spite of all attempts to save her.

In Ravensbrueck social democratic women, Christians and bourgeois democrats like Minna Villain and Maria Grollmuss fought together with the communists. The resistance comprised moral and material aid, consoling words, a piece of bread, political instruction, loving care for the children in the camp, the saving of the life of particularly endangered prisoners and the sabotage of the armament production.

[AU231310] Dear comrades, our respect and administration go to you who are assembled here as antifascists who participated in this heroic struggle. The GDR people feel united in close militant community with you and the relatives of our murdered comrades. I want to convey to you and all members of this rally cordial greetings from the SED Central Committee general secretary and GDR State Council chairman, Comrade Erich Honecker--with best wishes for your personal well-being and for great successes in our joint efforts to preserve and secure peace.

The victory of the anti-Hitler coalition with its main force, the Soviet Union, over fascist barbarism also opened up for the German people the door to freedom, to a happy future. We have utilized this historic chance. The roots of war, exploitation, and oppression have been eradicated forever in the GDR.

At the side of the Soviet Union and the other socialist states the GDR became a stable factor of peace in Europe. It is taking its firm place in the broad international front of the forces of peace.

Peace, peace and once again peace---this is," as Erich Honecker stated, "the state doctrine of the GDR." This is the position of all the GDR people.

Since World War II, 40 years have passed. In Europe they were 40 years of peace. This is above all due to the peace policy and the constantly growing strength of the Soviet Union and the other socialist countries. It is thanks to all those who are working for peace, international understanding, social progress and humanity.

But we cannot and must not close our eyes to the fact that today peace is again seriously threatened. The aggressive circles of imperialism are striving for military superiority, for eliminating socialism and suppressing the national liberation movements. Their policy of nuclear intensive armament and confrontation aims at the world domination of imperialism. The concept of the U.S. administration for the militarization of space and the preparation of a star war increases the danger of a nuclear world conflagration in which there would be neither winners nor losers but only the destruction of mankind.

#### Support for USSR Proposals

Therefore one must recall again and again the lessons of World War II. For that reason let us once again say what has been said a thousand times: Everything must be done to preserve peace.

The state and people of the GDR strongly support the clear program the Soviet Union has developed for the struggle to preserve peace and are making an appropriate contribution to implement it.

The GDR welcomes the talks being conducted in Geneva between the USSR and the United States and wishes them success in the interest of world peace and the stability of international relations. It fully supports the Soviet Union's constructive proposals as reaffirmed by CPSU Central Committee General Secretary Comrade Mikhail Gorbachev in his PRAVDA interview of 7 April 1985.

With the proposal to the U.S. administration for a moratorium on space weapons and a freeze on both sides' strategic offensive weapons and with the announcement of a unilateral moratorium on the deployment of medium-range weapons and other countermeasures until November, the Soviet Union has made a significant new initiative for peace and given a sign of good will.

This is a unique possibility to make progress at the Geneva negotiations. Now the peoples expect that the United States will stop distorting or keeping

silent on the Soviet proposals and take the chance offered by Moscow. It is high time that Washington demonstrates a similar readiness for constructive agreements for peace as does Moscow.

Much can be achieved, if reason and good will prevail. As is known, in the struggle against Hitler fascism a coalition of 50 states formed with the Soviet Union, the United States, Great Britain, and France at the head. This was an alliance of diverse forces and interests but was guided by the joint will to smash fascism.

#### Socialism in Favor of a Coalition of Reason

Today when mankind is threatened by a new, far greater danger--the danger of destruction in a nuclear war--it must be possible to form a coalition of reason, of the joint striving of different political, ideological, and social forces for peace. We support this coalition of reason; the peace policy of socialism is working for it.

Comrades, comrades and friends, at the cradle of our worker-peasant state we swore to do everything to insure that never again will the fascist demon threaten mankind and that never again will a war emanate from German soil. We have remained true to this oath. Never again fascism, never again war--that is our motto.

[AU231311] In this spirit our socialist country makes a constructive contribution to the policy of peaceful coexistence of states of diverse social order. In this spirit we oppose neocolonialism, revanchism, and racism, everywhere these ideologies and activities that are hostile to mankind and endanger peace appear in the world, be it in Chile, in the Middle East, in South Africa or in certain circles of the FRG.

Of relevance in the relations between the GDR and the FRG is the declaration agreed on between Erich Honecker and Chancellor Helmut Kohl during their meeting in Moscow this March that the inviolability of frontiers and respect for the territorial integrity and the sovereignty of all states in Europe in their present borders are a functional precondition for peace.

The citizens of the GDR know that peace can only be secured, if socialism is strong. The universal strengthening of socialism, this means above all: creative work, further improvement of the living and working conditions and social safety. This means implemented human rights. This also means vigilance and constant readiness for the military defense of peace. Millions of working people of our country undertake the commitment for high performances in all fields of the national economy and society in preparation of the 11th SED Congress. They act in the will to worthily celebrate the 40th anniversary of the victory over Hitler fascism and the liberation of the German people through their creative work.

Our socialist state of workers and peasants is distinguished by continuous dynamic economic growth, a highly developed educational system, a significant science and culture. The women and girls of our country have an outstanding

share in the development of the GDR, in the universal strengthening of socialism. "The working women," the SED program states, "are making a decisive contribution to the political, economic, scientific-technological, social, and intellectual-cultural progress in all fields of society."

In our socialist society the equal rights of women are laid down in the constitution and have become reality. They are a fundamental human right. The SED has undertaken the obligation in its program to do everything "to create everywhere such conditions as insure that women can better and better meet their position of having equal rights in society." Thus we are implementing a demand for which many women worked who had to suffer severely in Ravensbrueck concentration camp; thus we are fulfilling their legacy.

The traditions of the antifascist struggle are alive in our country. In the 25 years of its existence the national memorial place of Ravensbrueck saw 3.5 million visitors. Last year alone 220,000 visitors, among them many young people, visited it. Also in today's memorial rally FDJ members participate as representatives of our country's youth.

The young generation will carry the torch of the antifascist struggle. The noble ideals of peace and socialism, international understanding, and humanity, they are the ideals that mark our life and for which it is worth struggling. The friendship with the Soviet people, the other peoples of the socialist community with all nations is dear to us. The strengthening and the protection of our GDR is the best way to honor those who died in the struggle against fascism. We are certain that our youth will always meet its great responsibility for the future, for peace and socialism.

Comrades, comrades and friends, the joint appeal from the international camp committees--among them from the Ravensbrueck camp committee--on the anniversary of the liberation of the concentration camps that was adopted recently at a meeting in Paris ends with the words: "Men and women of good will do not permit the return of the past. United as we were and as we will remain, we recall a warning of Pastuer: If mankind does not kill war, war will kill mankind."

Peace must and will triumph over war!

Forward to new success of our good and just cause!

CSO; 2300/388



HUNGARY

COMMENTS ON MINDSZENTY MEMOIRS, RELIGIOUS AFFAIRS

AU141220 Budapest NEPSZABADSAG in Hungarian 11 May 85 p 7

[Article by Laszlo Rozsa: "Common Road and Its Turns"]

[Text] It is strange the way sometimes one's readings come together. As a result of an accumulating backlog, I have read almost one after the other the declarations of the heads of various churches and denominations in Hungary on the occasion of the 40th anniversary of the liberation and a foreign language edition of Cardinal Mindszenty's memoirs published in 1974. One can measure the changes of time in many ways. For instance, in the pace of the renewal of our material surroundings and in the changes in fashion, street images, and technology, but perhaps the deepest influence is that of the change of consciousness, thinking, of relations.

Reading Mindszenty's book, one has the feeling of falling ages back in time if one wants to understand the pontiff's concepts. This is so not only because the greater part of the life of the cardinal-priest who was born at the end of the last century, in 1892, passed in the most conservative religious, philosophic and political environment of the age and identified with it completely, but also because the stubborn anachronism of his thinking rejected till his death all possibilities of spiritual revision. This man of undoubtedly intransigent character did not leave in the course of his long life a single opening for himself through which the ideas of the age could touch him, although he was quite well informed about the world. His rigid personality, his fanatic awareness of his mission, and his counterrevolutionary political sympathy put him in confrontation with Mihaly Karolyi and his party in 1918, and even earlier. In his position as teacher of religion at the Zalaegerszeg State College, then as head of the Christian Party and editor of a county weekly, he used all his power to turn the believers against Karolyi who took a position against the war and for peace. His opposition degenerated into antigovernment organizing for which he was first warned and later put under house arrest. The Karolyi government interned Mindszenty--who did not give up organizing with his short liberation, either--and this internment continued after the creation of the Republic of Councils. The future cardinal characterized his relations with the revolution and the Republic of Councils this way: "In fact, few things have changed. The dog is the same; only his dog collar has become more red."

With the victory of the counterrevolution, the new regime recognized his merits, and although he was only 27 years old, he was put in charge of the parish of the county seat, the parish of Zalaegerszeg. He also remained successful in what he had been: a fighting anticommunist who always hid with difficulty his personal political ambitions. His attitude was praised not only by Horthy and his followers, but also by the Vatican circles of the time. In 1937 they proposed him for the post of papal prelate, and in 1944 he was appointed bishop of Veszprem. Battles, however, were already being waged on Hungarian territory, and the Hungarian Nazis were preparing to destroy everything before evacuating the territories beyond the Danube. Now, in the last moments, the question was simultaneously the fate of the country and the property of the church, and that is why the bishops of three threatened counties beyond the Danube--Fejer, Veszprem, and Gyor--including Mindszenty, asked the Hungarian Nazi Party in a letter to avoid further destruction. The Hungarian Nazis, however, did not receive Mindszenty, who wanted to deliver the letter personally. Two weeks later he was arrested. Then in the course of the withdrawal he was transported, together with other members of the clergy, to Sopronkohida. However, they did not try him in court. The advancing Soviet troops put an end to his arrest when they liberated the westernmost parts of the country.

The road was then open for Mindszenty, who established his "resistance" legend in this way, to join those who started the democratic national revival with the creation of the Temporary National Government. As he tells in his book, Father Balogh and Bela Varga called on him to join them and express their thanks to the Soviet Army for the liberation in the name of the church. First he avoided the request; then he rejected it coldly. Mindszenty had already chosen: struggle against and relentless opposition to the new world. Having this spirit, he took upon himself, under papal appointment, the archepiscopacy of Esztergom, and with it the direction of the Hungarian Catholic Church. He was a man of adamant confrontation, and he remained one. He was incapable of understanding the extent of changes in the lives of the masses of believers. He interfered in the internal political struggle at the time of the land reform, and even more at the time of the nationalization of the schools. His extremist attitude encouraged even more active opposition to the state order of the People's Republic by the increasingly apparent mistakes of the Rakosi leadership. He was arrested in 1948 and sentenced to life in prison. We know that in the years following this, faithful communists became victims of events in the same way as did political confidence and normal relations between state and church. The illegalities and disturbances have been turned upside down in the Mindszenty case, and he thus has become a martyr in many people's views. (The sentence against the cardinal has never been struck down; he got an amnesty only after his departure.) He still had the opportunity, however, to show his real intentions. At the time of the 1956 counterrevolution he surfaced essentially with a program of eliminating the socialist social order.

[AU141222] The following facts already belong to the better known pages of history. The cardinal, who was the forced resident of the U.S. Embassy in Budapest from November 1956 to September 1971, for his part did everything to the last moment to prevent agreement between the state and the Catholic Church. His defeat became obvious already in 1964 when a partial agreement

was reached between Hungary and the Vatican--in spite of Mindszenty's intrigues. This agreement laid the foundations of the later settlement, the foundations of the cooperation between the Catholic Church and the socialist state, a patriotic cooperation serving the interests of the people. The people chose socialism and the believers were no longer prepared to have anyone force conflict and opposition upon them. The leaders of the Catholic Church at that time and the current leaders are not prepared for this either. The character of Mindszenty who, in his declining years, also became involved in conflict with the Vatican, is perhaps a human tragedy. In his memoirs, which stirred up a great storm he writes with deep sorrow: "...Even the OSSERVATORE ROMANO commented on my departure from Hungary as if my removal had eliminated an obstacle compromising the good relations between the state and the church." Mindszenty was not prepared to subordinate his activity to the restrictions imposed by the Vatican. Therefore, he left it and moved his seat to the Pazmaneum in Vienna in order to publish his memoirs and "call international attention to the danger of Bolshevism." Even in Austria the pontiff's stubborn crusade was accompanied by further complications. When he called the Austrian-Hungarian border "a dead and temporary border" in his pastoral letter for the Advent season, Rome ordered him not to make any declarations from then on without the prior approval of the Holy See. The final blow, however, came in 1974, when in spite of all his protests, the Holy See officially deprived him of the archbishopric of Esztergom and sent him into retirement. Mindszenty replied with a last counter-attack. He called a press conference in which he declared that, contrary to the rumors, "Cardinal Mindszenty has not renounced the archbishopric of Esztergom, nor the rank of primate of Hungary. The decision was unilaterally made by the Holy See." But this, however, was a weak revenge. In the last sentence of his book, he admits his personal defeat: "Thus I stepped on the road of exile and complete isolation."

Mindszenty's angular, fanatic figure is today no more than a fading shadow. The events being written today in the mutual relations between the socialist state and the Catholic Church made up a completely different, new chapter. The time that has passed proved that, although Marxism and religious ideology are contradictory concept systems, the people's state is not the mortal enemy of religion, nor of the church. It has also been shown that it is also not in the interest of the church to oppose the social order that is suitable both in its spirit and its deeds to the most ancient principles of Christian teachings. Life has shown that it is only possible to serve either nation or country if the different ideological convictions do not turn into hostile political opposition in the socialist society, if they do not separate the people of different religions, nor the religious and nonreligious people. This recognition by the Hungarian churches, and the Catholic Church in particular, which, with its previous wealth and power privileges and tradition, found it more difficult to find this road, was valuable for the people's state. We must also add immediately that the well-known and often uncovered mistakes of the past did not facilitate this possibility on our part, either. That is precisely why the clear-cut tone of the Hungarian Catholic Episcopacy's encyclical, in which it recalls the 40th anniversary of liberation, is also of documentary value.

The encyclical concludes: "1945 has become an irreversible historical reality on which our country embarked on the road of social progress...."

The episcopacy also clearly outlines its relationship with our regime. "Our church has also joined the construction and goals of our socialist social order. It was not easy to find harmonious relations. We had to overcome many prejudices and misunderstandings that derived from the ideological differences but also from the situation of our church's activity. We had to find relations between state and church under completely new circumstances and based on new foundations. The 4 decades have shown that the problems can be constructively solved with mutual good will and taking into consideration the mutual advantages. In this way the initial distrust and opposition could dissolve and an atmosphere of constructive cooperation could develop."

[AU141224] This letter is also of documentary value because it concludes not only the irreversibility of development but it also regards as a final fact the cooperation based on socialist social foundations, and with this, it confirms the final rejection of the dogma of necessary opposition. Here we are talking not about a cooperation enforced or extorted by the rule of power, a cooperation based on the subordination of the other side, as the enemies of this cooperation have alleged and still do wherever they have an opportunity. On the contrary: The letter mentions "the mutual good will and mutual advantages" as the basis of the agreement. Thus, there is nothing unnatural about the fact that, along with the representatives of other churches, priests who play a considerable role in the hierarchy of the Catholic Church are also taking part in the important political-power structure of the people's state, like parliament, the PPF, and the National Peace Council.

No one tries to portray the current situation in an idyllic way, a situation in which the various strata of the population are concerned with realistic problems. But the generation that has suffered political and religious intolerance one way or another and different religious and racial hatred with roots going back centuries and leading to catastrophes is still alive and present. That is precisely why socialist national unity is a desire of utmost importance shared equally by both religious and nonreligious people. And even if the future is not free of the struggle of ideas, conflicts of interests and collisions of views (because there will be no ideological compromise in the future, either), we cannot appreciate highly enough the fact that Hungarian society has become a united nation in its fundamental interests and goals. When the encyclical letter of the Presbyterian Church in Hungary today writes that "the new democratic social order based on public property and work eliminated the injustices that caused immeasurable suffering to millions of people over the course of centuries"; when the Lutheran Presbytery notices that the construction of socialism and the life-meaning peace urges the religious and nonreligious people to cooperate; when the Israelite denomination speaks of "increasingly complete integration" and "freely exercise religious life," and of "its taking part with full rights" in the life of the Hungarian People's Republic; when the Council of the Free Churches also confirms that, after so much suffering, persecution, and suppression, "with the liberation we received legal conditions for operation and equal rights," then we can say that, in the 40 years of social reorganization and development of awareness of socialism, such things can also be classed as revolutionary changes.

HUNGARY

SOCIAL PATHOLOGY SEEN AS CAUSE OF DRUG ABUSE

Budapest MAGYAR HIRLAP in Hungarian 25 Apr 85 p 3

[Text] His organism has received and rejected without effect every kind of medicine. He was kept under constant surveillance by his doctors but, in spite of the distinctive care, he came down with a cardiac infarct. He lay motionless with subsequent loss of consciousness for several days. One of the nurses noted that, in his unconscious state, he kept repeating the name of his young son. With the physician's help, the teenager was released from school. After that the boy spent his days at the bedside of his mortally ill father. Drugs, equipment and medical science were outdone by their togetherness. The father soon started to improve and told his physicians: "I must get well for the sake of this boy; my son is my penicillin."

The story is true no matter how unbelievable it sounds in our age afflicted with an epidemic of drug overuse. (I myself had read it in the paper.) We have become ignorant of similar legends. At the most, we may take it from our parents or people from the provinces, but only because they are old. Most people are at the point of feeling stupid for believing it. In the olden days people who were taking drugs were the ones considered ill; these days those are considered strange, almost pathetic individuals who have never taken even Kalmopyrin or some tranquilizer. According to a survey in Somogy megye, the consumption of pain killers, sleeping pills and tranquilizers nearly doubled between 1979 and 1983. There is some drug for every one of our ills, at least we believe so.

However, drugs are not like salt; one can often exist without them. These days many people adhere to the unfortunate belief that one or more pills represent the only hope for recovery. A few days ago there was a report in the evening paper about a woman who was rescued by firemen from the roof where she went with suicidal intentions. And how many people are gulping down Andaxin or Seduxen from their trembling palm every day although they know that it is completely useless. The trouble they are tormented by, which they are trying to escape, which they cannot conquer, cannot be cured by drugs, at least not by drugs prescribed by physicians and sold in pharmacies. In Hungary today 20,000 young people are abusing substances (alcohol and drugs) in alarming quantities.

Whatever we might take, there is no effective drug against the absence of love, togetherness, family and a good climate at the work place. The child belongs to the parents, the parents to the family and the family to the nation: we all belong to someone and many people belong to every one of us. Unfortunately, we are increasingly less willing to accept and seek out each other, more and more of us are letting others be lonely and vice versa. There are many neglected people and very many of them are talented and young. The physician cannot help those who--under pressure or in a spirit of adventure--have broken away from the environment where they have belonged. Those whose relations are broken with the circle where they have received food, shelter and kind words, often cannot find a cure for their condition in the entire stock of several pharmacies. Most people desire independence and will also seek it as soon as they can. They will break away from the family and traditions, burning down everything behind them. Then they will never again turn back even though they sense, they know that they will not, cannot reach their goal.

Can drugs be the momentary acceptance of our human weakness? Why don't we dare admit sometimes that we are incapable of going through with something? Why don't we dare return to those to whom we have wished to demonstrate that we are capable of more than they are? Why do we trust pills instead of togetherness and understanding? Why don't we accept that penicillin is no cure for difficulties in adjusting, anxiety, fear or weakness? Why is it better to ruin ourselves with head high than to return to the starting line?

We have illnesses where the penicillin should not be sought from the doctor or the pharmacy. Because whatever is missing from us or from among us cannot be mixed from little green bottles and weighed out on the pharmacist's scale.

Instead of a medical, we are faced with a human, social disorder.

2473

CSO: 2500/353

POLAND

# CONSTITUTIONAL TRIBUNAL THESES PRESENTED TO SEJM

AU030821 Warsaw TRYBUNA LUDU in Polish 30 Apr 85 p 2

[PAP report: "The Extraordinary Commission on the Draft Law on the Constitutional Tribunal"--presented to the 29 April session of the Sejm in Warsaw by Deputy W. Zakrzewski]

[Text] --The issue of the Constitutional Tribunal has been examined for the third time by the Sejm since 1982.

--A team of experts appointed on the basis of an interparty accord has worked on the Constitutional Tribunal draft law and has devoted to it utmost attention since 1982, and this has made it possible for the Extraordinary Commission to rapidly draw it up.

--The commission has unanimously adopted the draft and has agreed that the Constitutional Tribunal in its present proposed shape constitutes an institutional guarantee of our constitutional system and hierarchy of the laws.

--The Constitutional Tribunal is an extra-parliamentary legal body. The fact that the Tribunal reinforces the Sejm does not weaken, but strengthens its role and makes it easier for it to delimit its constitutional and legislative functions.

--The Tribunal can greatly strengthen the Sejm's superior position in legislation because the Sejm Commissions have been empowered to propose that the legality of any legal measure be examined by the Tribunal.

--The Constitution and the Constitutional Tribunal law outline the extensive range of its control activities regarding all the legal measures, no matter where and for what reasons they were passed, as long as they contain normative pronouncements. This means that the Sejm's laws determine the extent of one's right to pass legal measures.

--The Tribunal is not a court, does not try specific individual cases, and does not mete out justice. If the Tribunal pronounces the illegality of the judgment in an individual case, then proceedings have to be started anew.

--The Extraordinary Commission agreed to the proposal that the bodies empowered to submit individual motions should be defined. The bodies empowered to act on

their own initiative and on the strength of citizen complaints and motions were augmented by 50 Sejm deputies and by the chairman of the State Court of Economic Arbitration. This means that the Tribunal draft law creates extensive opportunities to question legal measures that give rise to justified legal doubts.

--The Extraordinary Commission agreed to the proposal of the legislators that the powers of the Tribunal do not apply to the laws passed before the modifications to the Constitution, including Article 33, which was done on 26 March 1982. This solution stresses that the Tribunal's task is not to dwell on the past, but to improve the state's activities and to strengthen legality.

--The Tribunal cannot undermine the state's stability. This is why it was agreed that a period of 5 years is sufficient to question legal acts.

--The Tribunal will be increasingly instrumental in strengthening the legality of the PPR constitutional system, as it continues to stabilize its constitutional role.

CSO: 2600/778



POLAND

#### JARUZELSKI SPEAKS AT ACADEMY OF SCIENCES MEETING

AU061451 Warsaw TRYBUNA LUDU in Polish 3 May 85 p 2

[Text] PAP--On 2 May, Army General Wojciech Jaruzelski, chairman of the Council of Ministers, met with the leadership of the Polish Academy of Sciences to discuss the most important problems of Polish science and the scientific community.

Summing up the discussion, he assessed the performance of the decisions reached at last year's meeting. He pointed out many important decisions for science, such as the appointment of a committee for science and technological progress and an office for scientific-technical progress and inventions, the growth in outlay on research and development work, a widening of the scope of scientific treatises, and the creation of a series of lectures by eminent academy members for the benefit of the party and state leadership.

The present meeting is particularly important. It is taking place at a time when work on the next 5-year plan and future national development program is at an advanced state.

General W. Jaruzelski indicated the special role of science in formulating this program, calling on scientific circles to take an active part in discussions on the variants of the 1986-90 National Socioeconomic Plan. The point in particular is to overcome the various barriers hampering rapid progress. Many of these barriers are contained in science itself and involve such things as an insufficient effectiveness of research and inventions, a low efficiency and excessive length of studies, and low discipline in teaching and in scientific cooperation with foreign countries.

Referring to the concern expressed during the talks over the material situation with science and the possibility of satisfying science's needs, the premier said that we are acting in accordance with last year's decisions, steadily increasing expenditure on science out of the national income. We will maintain this trend during the coming 5-year plan as well. We have also adopted solutions concerning the wages system in science. We are deciding on how to economize on paper in order to provide more of it for scientific publishing houses. A government program for developing publishing has also been prepared.

Work on a program for developing the scientific research apparatus is also continuing.

The solutions of the economic reform are creating better possibilities for satisfying needs in this sphere by means of raising the production and exports of the high quality apparatus.

There are also great chances of developing scientific cooperation with the socialist states. These are a part of the general program of gearing foreign cooperation toward the CEMA countries, especially the USSR.

The premier thanked the scholars for inviting him and expressed the conviction that the exchange of opinions and discussion on the most important problems for Polish science will permit the creation of conditions for scientists to serve the country in the best possible way.

CSO: 2600/779

POLAND

RAKOWSKI UNVEILS MONUMENT TO FIRST POLISH KING

LD092019 Warsaw Domestic Service in Polish 1709 GMT 9 May 85

[Text] Our Poznan reporter, Andrzej Napierala, took part in a unique ceremony:

Erected in the twenties on the milleniu of his coronation, destroyed by the aggressor during World War Two and reconstructed with public (?contributions), the monument to the first king of Poland is back on its plinth. A ceremony unveiling Boleslaw Chrobry's [967-1025] monument is taking place today in Gniezno attended by large numbers of inhabitants of the Piast town, the Wielkopolska and other parts of the country, representatives of the highest political and state authorities including Deputy Premier Mieczyslaw Rakowski, the authorities of Poznan Voivodship and members of the honorary committee for the reconstruction of the monument including a personal representative of the primate of Poland.

Unveiling the monument, Deputy Premier Mieczyslaw Rakowski said:

[Begin Rakowski recording] Our country and nation have undergone various vicissitudes in the course of history. At times it was mighty, it had long periods of weakness, it rose through the people's courage and leaders' genius and fell when anarchy and private interests came out on top. But the nation has been and remains indestructible. Indestructible are the spirit of the nation and its will to survive. This truth should be said in the presence of the ancient Gniezno cathedral and the more-than-1,000-year-old history of our state which is symbolized by the Boleslaw Chrobry memorial being unveiled today. Let successive generations of Poles enrich their patriotic feelings at its foot and draw moral strength for overcoming the problems life poses from the life and struggle of the great ruler. May Boleslaw Chrobry's courage and political wisdom enliven our national thought today and tomorrow. [applause and historical songs erupt] [end recording]

CSO: 2600/779

POLAND

URBAN PRESS CONFERENCE TRANSCRIPT FOR 30 APRIL 1985

AU081212 Warsaw RZECZPOSPOLITA in Polish 6 May 85 p 5

[Excerpts] [passage omitted] Donald Forbes, Reuter: Could you tell us why Professor Geremek was relegated from the Institute of History of the Polish Academy of Sciences?

Urban: Professor Geremek---or is he only a lecturer?---was indeed released from his employment, which is a normal right of the employer. This release was effected on the grounds that Geremek's activities are incompatible with the academy's goals and status and that they damage the interests of the Polish state and science. Mr Geremek's employers have so far not been able to contact him--this is not their fault--and to explain to him why his employment was terminated. [passage omitted]

Donald Forbes: Could you tell us something about the visit to Poland by the British secretary for foreign affairs, especially about his meeting with Professor Geremek and other Solidarity activists?

Urban: Certainly. We evaluate this visit as positive and as one of the more important examples of the withering away of the boycott that the United States had sponsored against us. This boycott and sanctions have proved to be meaningless and useless. We think that the British minister's visit will produce new incentives for the development of Polish-British cooperation. We regret certain unofficial aspects of the visit mentioned by you and we have expressed our regret. The Western press has exaggerated our guest's private contacts and interests, has focused attention on them, and has reported them in such a way as if they were the crux of the visit. I do not know whether such a crooked image of his Polish visit, as presented by the Western press, tallied with Minister Howe's intentions. The Western press had obscured the crucial meaning and course of the visit and misinformed the people in Great Britain and other countries. As is obvious, the Western press, radio, and television continues to exploit some unofficial meetings, which we did regret, in order to distort the entire meaning of the visit. This, we think, makes it signally obvious that such incidental and private items of the itinerary of our Western guests are harmful and constitute a nutrient for sensational reports, which are in conflict with the meaning and course of the visit in question and other visits. I announce on behalf of the government that we must draw the necessary conclusions from this for the future. [passage omitted]

Bradley Graham, THE WASHINGTON POST: I am glad you are back with us and I would like to ask a question in connection with the coming session of the UN General Assembly, which is attracting much attention because it may be attended by M. Gorbachev and R. Reagan. Will General Jaruzelski attend this session?

Urban: I have nothing to say on this subject as yet. As is usual in such cases, there is nothing to confirm or to deny. Everything depends on the kind of our ultimate representation at the session and on the general's opportunities.

Christopher Bobinski, THE FINANCIAL TIMES: What you have said here about Lecturer Geremek shows that the academy's authorities decided that his scientific work harms the state's interests.

Urban: No. What is involved is his nonscientific activities. [passage omitted]

Ranata Marsch, DPA: It is possible that, thanks to your statement at this conference, Professor Geremek now knows why his employment was terminated. The notice he was given did not state the reasons for it. Is it possible that other scientific workers at universities and institutes can expect dismissal for non-scientific activities?

Urban: I have explained that it has been impossible to tell Bronislaw Geremek why he had been dismissed. As for other scientific workers... A person who as an employee of a state institution acts against the state in an obvious and conspicuous manner should always reckon with being called to book. But, as you know, our policy is very liberal and tolerant in this regard. It is a very patient policy as regards waiting for changes in attitudes. [passage omitted]

Matthew Vita, AP: What is the present status of Czeslaw Bielecki. Has he been arrested? What about the Swiss national Clive Loertscher who is supposed to have been arrested on the same day for contacts with Bielecki?

Urban: Czeslaw Bielecki was detained on 13 April and was imprisoned on 15 April for cooperation with persons acting in the interest of an alien organization in order to harm the PPR's political interests. He was charged in line with Article 132 of the Penal Code and was accused of managing an association whose existence and constitution is kept secret from the state's authorities. This is Article 278, Paragraph 2 of the Penal Code. I have nothing more to say in this matter because it is in the interest of investigations not to say anything about their present results. [passage omitted]

Donald Forbes: At the beginning of this month Father Zaleski reported to the Krakow authorities that he had been kidnapped and tortured or burnt with something. However, the authorities have decided that there was no case to answer and that it should be dropped. Could you tell us why it was dropped?

Urban: I can tell you. I also want to comment on Western reports on this case. Father Tadeusz Zaleski, who lives in Krakow, has been seriously ill for a long time and has been granted a leave of absence by the church authorities. On 6 April his mother reported that her son had been attacked in the cellar of his house, that he had suffered burns, and that the cellar was on fire. The militia went to investigate. I will not tell you about all elements of investigations

because Father Zaleski presented a slightly different version of events. Eventually he said that he had gone to the cellar to collect spare parts for a disabled person's trolley and that he had to light a candle to produce light. In the cellar corridor he was attacked by a masked man who made him unconscious with gas from a pipe. When he came round he felt pain in his right arm and saw that the sleeve of his jacket was on fire. He was able to put out the fire and return to his room. Immediate investigations proved that there was no fire in the place where this event had taken place. [passage omitted] Indeed, there was nothing in this case to disprove that what happened was that a very ill person lost his consciousness when carrying a burning candle and ignited his easily inflammable jacket made of a synthetic material. As a result, he suffered burns and later on said things that tallied with his previously developed partial psychosis.

Dominique Garrand, AFP: Cardinal Macharski decided to intervene in this case personally. Is it usual in Poland for such high church dignitaries to react in this way and to intervene with the Ministry of Internal Affairs in such petty matters? Has the government reacted to Cardinal Macharski's independent medical board, which examined Father Zaleski?

Urban: I am hard put to understand your question because church dignitaries often intervene with the state authorities on many issues. However, I know nothing about church dignitaries having their own investigating resources and about their ability to carry out investigations and to obtain a skilled and reliable information about phenomena that are not supernatural. Such phenomena are the domain of the appropriate state bodies. Father Zaleski's case was investigated by the militia, the prosecutor, firemen, military chemical experts, neurologists, and specialists in wounds caused by burns. I hope I have mentioned all the experts who have examined various aspects of this case. [passage omitted]

CSO: 2600/778

POLAND

# POLITYKA EDITOR DEFENDS ANTIPAPAL ARTICLE

AU071255 Warsaw POLITYKA in Polish 27 Apr 85 p 7

[Article by Jan Bijak, chief editor of POLITYKA: "The Rest Is Dialogue"]

[Excerpts] It was POLITYKA's stunning adventure, although we should have foreseen it. Jerzy Jarzeniec's article "Some Go for Hope, Some Go for Cooperation" (carried by the "fatal" Issue 13 of POLITYKA) has been subjected to criticism whose enormity we have not experienced for a long time.

The first surge of this criticism hit us as soon as the article appeared. As readers will remember, the author of this article evaluated negatively some features of the Vatican's policy toward the Poland of today and toward the world of socialism. The Western journalists in Warsaw and the Western radio stations broadcasting in Polish created an atmosphere of a political sensation around Jarzeniec's article, and LE FIGARO correspondent Bernard Margueritte, who as an honest individual does succumb to emotional excitement, wrote a dispatch "Poland Heading for a Large-Scale Conflict," in which he forecast that we are on the eve of a great clash between the state and the church and in which he alleged that "a vulgar and primitive attack launched for the first time in the purest Stalinist fashion against the Holy Father by the POLITYKA weekly" is one of the signs of the coming catastrophe.

The Western radio stations and press reports suggested that Jarzeniec's article was a hint that the state's policy toward the church and believers would change and that the author used the pen name Jarzeniec is neither. By the same token, POLITYKA is not an "organ of the Central Committee of the communist party," as LE FIGARO, AFP, and other press agencies wrote in order to raise the importance of the charges leveled against Jarzeniec's article. [passage omitted]

I have once again read carefully Jarzeniec's article and I have found nothing in it to confirm that the author had committed any disloyalty [nielojalnosc] when analyzing the criticized statements made by the pope and Cardinal Ratzinger. Jarzeniec honestly presented these statements, which characterize the Vatican's policy. He did nothing to offend the dignity of the church's highest dignitary. [passage omitted]

In recent times a number of articles have appeared in serious publications in Western Europe and severely criticized the years of the present pope's pontificate. After a period of a kind of fascination with the personality of the

"Polish pope," with his travels, openness to man, and profound and winning faith, articles continue to appear with increasing frequency about difficult issues of world politics and about the pope's attitude toward the socialist countries, poor people, Marxism, and the conflicts that divide the world. His record in this regard is not unambiguous. Must we pass this over in silence in Poland when what is involved is our basic interests and those of the world? On 10 April a West Berlin radio station broadcast: "West Berlin Catholic circles are wondering why precisely an allegedly liberal weekly, which has previously avoided any abrasive statements on religious and church affairs, has published such an affront." But perhaps the phenomena we are observing require precisely such a more determined mode of expression? Today there are no reasons for us to be especially delighted with what we have achieved in the area of state-church relations.

A recent issue of STERN published an attack on John Paul II in a style that would be out of the question in our country. I will not illustrate this attack by quotations because I do not want to be accused of taking advantage of an opportunity to sling mud. DER SPIEGEL had previously published such an article, which was perhaps even more offensive. Neither of these articles has been rebutted by the Catholic press in any way. Nor have I come across any hints that these articles might be a prelude to a great conflict between the state and the church in the FRG. [passage omitted]

All Poles--believers and nonbelievers--wish that the pontificate of the pope who is a Pole should be regarded by history as great and that he should succeed in what is important also for us--to extinguish at least one hotbed of unrest in our divided world, to produce agreement between sides at loggerheads, and to give hope to those who suffer from hunger, want, and humiliation. When we see that things are not what we expect them to be, we become restless. I am no hypocrite and will not say that this state of restlessness is the most poignant feeling the Marxists are capable of, but it is there all the same. We must not be silent about the fact that there is something rotten in the state of the Vatican only because the pontifex maximus is our countryman. [passage omitted]

We published Jarzeniec's article and would publish it again because, despite all the extensive criticism of it, no one has been able to rebut its objectivity and arguments. Our critics launched a profusion of verbal broadsides against POLITYKA and Jarzeniec, but they failed to pinpoint the crux of the dispute and left behind a climate of emotion rather than any arguments about the issue. The polemic launched by PRZEGLAD KATOLICKI [CATHOLIC REVIEW] is in the same vein, unfortunately. [passage omitted]

For PRZEGLAD KATOLICKI, the POLITYKA article is yet another link in a nightmarish chain: The government in Poland continues its struggle against the church because it is obsessed with this struggle. One-sided statements made in the press continue to embitter uninformed people who, thus incited, turn against the church in their activities. All this helps to distract one's attention from true problems and to produce an inevitable catastrophe.

This vision of Polish reality produced by PRZEGLAD KATOLICKI is as much calculated as it is naive. To accuse the authorities that through ignorance or



perversity they provoke a conflict with the church is calculation. [passage omitted] PRZEGLAD KATOLICKI accuses the authorities of whatever is now bad in church-state relations and of bad intentions. However, it is absurd to allege that the war against the church helps people to forget about low wages, shortages of goods, and lacking hospital beds. It is impossible to imagine that those in government are so monstrously naive. Why should the state want a conflict now when it is necessary to stabilize public life and to relax various tension created by our economic situation? [passage omitted]

What the state authorities do is to see that certain principles are observed because without these principles the balance that we are regaining with such efforts will totter again and will produce more threats. The churches are becoming the fronts for political opposition and priests continue to use the pulpits for attacks against the socialist system or to let them be used by the people who are hostile to our government. The churches continue to be used as places for clearly antigovernment hunger strikes. Some churches have already become symbols of opposition and have been plastered by banners, badges, and slogans whose eloquence is obvious to anyone who is able to think a little. It is, of course, possible to say that there are not too many such churches, priests, and church dignitaries and that incidents such as the one in which a priest hacked into pieces a television set on the pulpit are examples of unique eccentricity. What is true is that these examples continue to increase, that there is something in the air that favors them, and that the church authorities do nothing obvious to show that they are against and condemn such incidents. I do not believe that the church lets itself be carried away by pressures from the faithful and younger priests. This is not in the "nature" of the church, as PRZEGLAD KATOLICKI would say. What I can rather see is the church's procrastination, acquiescence, and hope that the church community will extend its influence and possessions and that some accomplished facts will become irreversible in time. [passage omitted]

Today the church in Poland enjoys great rights, and there is nothing to restrict the religious cult. [passage omitted] An overwhelming majority of our future citizens continue to be initially instructed in religious houses, churches, and other places of religious instruction. The state has an interest in ensuring that this process of social education takes place without upsets and conflicts in the course of years. Almost the only condition under which the state wants to achieve accord and cooperation with the church is respect for the laws, the separation of the church from the state, the lay character of the state, and respect for the main principles of the system that has evolved in our country since the war. The rest is and should be dialogue.

CSO: 2600/778

POLAND

#### WEEKLY SCORES PAPAL PRONOUNCEMENTS

AU071209 Warsaw POLITYKA in Polish 30 May 85, Issue 13, p 12

[Article by Jerzy Jarzeniec: "The Holy See's Most Recent Documents--Some Go for Hope, Some Go for Cooperation"]

[Excerpts] The hope that our people began to have about the temporal affairs of this world during the term of John XXIII, "the pope of goodness," have intensified and spread with unprecedented force during the term of the "Polish pope." [passage omitted]

The special syndrome of this hope is an extremely important element of Polish-Vatican relations. He who stimulates this hope bears great responsibility. As for our countrymen who entertain this hope, what they primarily need is to be prudent so that they do not mistake hope for reality and are not carried away by bitterness when they become aware of the astonishing distance between hope and reality.

In order not to mistake hopes for reality, I propose to pay closer attention to some of the Vatican's most recent documents on our country, especially to "Ratzinger's Instruction," which was worked out by West German theologians and approved by the pope; to the excerpts from the pope's message on Peace Day, excerpts that smack of the disturbing style of Ratzinger's Instruction; and to some shocking suggestions contained in the pope's Christmas speech to his countrymen. Before probing into these documents, in order to avoid baseless simplifications and to prevent emotions aroused by disappointed hopes, let us refer these problems to the pronouncements of the Church Council and to President Reagan's public statements on the pope's role vis-a-vis Poland. [passage omitted on council pronouncements]

R. Reagan, who is a Protestant, exploits his presidential public statements to inspire a desirable political Catholic clericalism in Poland, as signally attested to by his speech at the White House on 17 August 1984 on the 40th anniversary of the Warsaw uprising. This speech was also applauded by Roman Catholic Cardinal John Krol of Philadelphia. To begin with, Reagan proposed the following platform of ideological activity: "Our two nations have drawn on the same source for the love of freedom, have professed the same Judaic-Christian ideals, and have respected the same simple virtues of honesty and hard work. Even today we can often note that our nations, in contrast to other nations, are very serious about religion. This profound faith has fed the flame of

freedom in our hearts. John Paul II has said that God has bestowed freedom on man as a sign of his dignity. As God's children, we cannot be slaves. I know that you feel as I do and regard as a true blessing the fact that we have such a spiritual leader in the person of the pope in these trying times."

On this ideological foundation R. Reagan placed the entire fabric of his speech, linking the goals of his administration to the Poles' religious faith. "Poland," he said, "may succumb to pressure, but I will never come to terms with foreign domination and with the deprivation of freedom bestowed on it by God. Following 20 years of brutal foreign domination (Reagan slandered the 20 years of detente between 1960-80--J. Jarzeniec) not so long ago we witnessed the rebirth of the Polish nation's indestructive spirit." [passage omitted]

At the time when the U.S. President made the above speech, the prefect of the Holy Congregation for the Doctrine of the Faith already received papal approval for his instruction on the theology of liberation--the instruction known as Ratzinger's Instruction. [passage omitted]

The many commentaries on Ratzinger's Instruction stressed with varying degrees of agreement the following features of this instruction:

- 1) Its extremely extensive range of criticism not only directed against the socialist countries, but also ferociously denouncing every vestige of Marxism in the church and the world. The instruction was said to "have lumped together" all the parties, social movements, political coalitions, and governments that in any way acknowledge Marxism.
- 2) The acuteness of its formulations resembling the notorious encyclical issued by Pius XI under the title of "Godless Communism" and the rhetoric of R. Reagan--his "empire of evil" and "Marxism in the dump of history." The instruction has contempt for Marxism as a run-of-the-mill atheistic concept and hurls insults at its practice.
- 3) As Franco Bertone of RINASCITA said, the instruction is "a victory of the conservative wing of the European Episcopate, actually of the FRG Episcopate, which, thanks to its extremely numerous personnel and fiscal reserves, has played a leading role in the offensive against the theology of liberation and the Vatican's Eastern policy." [passage omitted]

The trend that was so violently revealed in Ratzinger's Instruction and weakened the peaceful tenor of the pope's message on this year's Peace Day, has also been evident in the Polish sector--during the pope's Christmas Eve meeting with his countrymen. Certain drastic accents in the pope's speech at that meeting had nothing in common with the traditional patriotism-and-prayers atmosphere of Christmas Eve.

For example, speaking about past national hopes and about a supposed champion of these hopes, the pope said: "A nation that has experienced difficult historical events cannot abandon hope, which is at the root of its experiences. I wish to recall the words of the priest [Father Popieluszko] whose death has shocked the awareness of Poles and other nations." In his speech in August 1982 the pope said: "Solidarity was and is the hope of millions and millions of

Poles, a hope that is the stronger the closer it is with God through prayers." In December 1982 he said: "The grain of concern for the home of our fathers, which was cast into Polish soil in August 1980 and was fertilized by the blood, tears, sufferings, and pains of our sisters and brothers last year must produce a good harvest..." [passage omitted]

The purpose of this article is simply to report the spread of certain disturbing trends in the Vatican's policy--trends that are clearly at one with the cold-war stream of the policy followed by the U.S. administration. We should still wait before drawing the basic conclusions from this phenomenon so that too hasty and perhaps premature conclusions do not provide additional fuel for the fire. [passage omitted]

The author of this article apologizes to the readers for the great abundance of quotations, which was his intended purpose. Presenting issues that are little known to lay readers, we wanted to avoid tearing out individual ideas from their natural context as was the case with a certain passage from St. Paul's letter to the Romans, a passage that has been circulated in Poland with increasing popularity for almost 2 years now. This passage, which no doubt every reader is now familiar with--"Do not let yourself be defeated by evil, but defeat evil by doing good"--goes hand in hand with the following lines that the prewar generation of Polish Catholics know quite well and that now seem to have been forgotten (passed over in silence?). Shall we recall them? They are contained in the Millenium Bible, second improved edition, pallotinum 1971, page 1287: "Let everyone submit to the authorities in government over people because there is no authority that does not come from God, and the authorities that exist have been established by God. That is why we who oppose authority, oppose God's order. Those who are in opposition will incur a verdict of condemnation, because those in government spread terror for bad deeds and not for good deeds. And if you do not want to be frightened by authority, do good, and authority will praise you."

CSO: 2600/779

YUGOSLAVIA

LAW ON MILITARY SERVICE

Belgrade SLUZHBI LIST SFRJ in Serbo-Croatian No 7, 15 Feb 85 pp 249-306

[Law enacted by the SFRY Assembly in a session of the Federal Chamber on 13 February 1985]

[Text] On the basis of Article 315, Subparagraph 3, of the Constitution of the Socialist Federal Republic of Yugoslavia, the State Presidency of the Socialist Federal Republic of Yugoslavia issues the following

UKASE

Promulgating the Law on Service in the Armed Forces

The Law on Service in the Armed Forces, enacted by the SFRY Assembly in a session of the Federal Chamber on 13 February 1985, is hereby promulgated.

Belgrade, 13 February 1985

Veselin Djuranovic (signed)  
Chairman of the SFRY State Presidency

Dusan Alimpic (signed)  
President of the SFRY Assembly

LAW  
on Service in the Armed Forces

Part One. Overall Provisions Concerning Service in the Armed Forces

Title I. General Provisions

Article 1

Performance of military and other duties in the Yugoslav People's Army (hereinafter "YPA") and in territorial defense shall be considered service in the Armed Forces of the Socialist Federal Republic of Yugoslavia (hereinafter "the Armed Forces").

## Article 2

Citizens of the Socialist Federal Republic of Yugoslavia shall serve in the Armed Forces.

Citizens of the Socialist Federal Republic of Yugoslavia shall have the right, under the conditions set forth in law, to enlist in the Armed Forces, to perform military and other duties, to qualify for ranks or classes, the titles of military officers and other professional titles and to win promotions.

## Article 3

Personnel serving in the Armed Forces are made up of military personnel and civilian personnel.

For the purpose of this law military personnel are soldiers, cadets of military schools (hereinafter "cadets"), active military personnel and reserve military personnel so long as they are on military duty in the Armed Forces.

Active military personnel consist of noncommissioned officers, commissioned officers and military employees on active service in the YPA.

This law shall regulate the service of civilian personnel in the YPA.

The service of civilian personnel in territorial defense shall be regulated by the law of the republic or autonomous province.

## Article 4

Active military personnel, civilian personnel and soldiers under contract for a specified period shall serve in the Armed Forces on the basis of acts as defined by law establishing relations during service in the Armed Forces, but soldiers and reserve personnel shall serve on the basis of required military service.

## Article 5

Personnel serving in the Armed Forces may be superiors and subordinates on the basis of relations in the service, and they may also be junior and senior according to ranks or classes and position.

The superior is the person who on the basis of law and other regulations and the authority of the competent body directs and commands the unit or institution of the YPA or the territorial defense unit, institution or staff, or other form whereby the working people and citizens are organized for nationwide armed resistance (hereinafter "military unit or military institution") or who directs or commands persons serving in a military unit or military institution.

Under this law the senior is the person who has a higher rank or class, and if they are of the same rank or class or have no rank or class--the senior is the person holding the higher position.

#### Article 6

The duties of military officers in the Armed Forces shall be performed by military personnel who have rank or class.

As an exception to the provision of Paragraph 1 of this article the duty of the military officer may also be performed by a person who does not have rank or class.

The person referred to in Paragraph 2 of this article shall have the title which goes with the duty he is performing.

#### Article 7

Upon entering the Armed Forces military personnel shall make the following solemn pledge:

"I (first and last name) take a solemn pledge that I will defend the independence, constitutional order, inviolability and integrity of the Socialist Federal Republic of Yugoslavia and that I will preserve and develop brotherhood and unity of our nationalities and ethnic minorities. I will always discharge the obligations and duties of a defender of my self-managed socialist homeland conscientiously and with discipline and will be ready to fight for its freedom and honor, not sparing even my own life in that struggle."

Soldiers and cadets shall take the solemn pledge orally, and noncommissioned officers, commissioned officers and military employees in writing as well.

Once given, the solemn pledge shall remain permanently in effect.

### Title II. Composition, Ranks and Classes

#### 1. Composition of the Armed Forces

#### Article 8

The Armed Forces shall be made up of the permanent and reserve components.

#### Article 9

The permanent component of the Armed Forces shall be made up of soldiers, cadets, active military personnel and civilians serving in the Armed Forces.

Sailors shall also be regarded as soldiers.

## Article 10

The reserve component of the Armed Forces shall be made up personnel who under the provisions of the federal law regulating required military service are subject to the requirement of serving in the reserves of the Armed Forces.

### 2. Ranks and Classes in the Armed Forces

## Article 11

Ranks in the Armed Forces are as follows:

1) for soldiers and cadets of secondary military schools: PFC, corporal and junior sergeant; for cadets of schools for reserve officers: PFC, corporal, junior sergeant and sergeant; for cadets of schools for active commissioned officers: PFC, corporal, junior sergeant, sergeant and sergeant first class;

2) for noncommissioned officers: sergeant, sergeant first class, senior sergeant, senior sergeant first class, master sergeant and master sergeant first class;

3) for commissioned officers:

In the arms and services (except navy):

Junior lieutenant  
Lieutenant  
Captain  
Captain first class  
Major  
Lieutenant colonel  
Colonel  
Major general  
Lieutenant colonel general  
Colonel general  
Army general

In the navy:

Junior lieutenant  
Corvette lieutenant  
Frigate lieutenant  
Warship lieutenant  
Corvette captain  
Frigate captain  
Battleship captain  
Rear admiral  
Vice admiral  
Admiral  
Fleet admiral

## Article 12

There are nine classes of military employees in the Armed Forces. The classes are denoted by the Roman numerals from IX to I.

Military employees may be members only of the musical service.

As an exception to the provision of Paragraph 1 of this article, military employees who are on active military service on the day when this law takes effect may also belong to other services.



## Article 13

With respect to seniority the classes of military employees correspond to the ranks of noncommissioned officers and commissioned officers, as follows:

- 1) classes IX and VIII correspond to the ranks of the noncommissioned officers: senior sergeant first class and master sergeant;
- 2) classes VII, VI, V, IV, III, II and I correspond to the ranks of the commissioned officers: junior lieutenant, lieutenant, captain, captain first class, major, lieutenant colonel and colonel.

## Article 14

A person who is not a citizen of the Socialist Federal Republic of Yugoslavia may be enrolled in the Armed Forces and may obtain ranks only when the Socialist Federal Republic of Yugoslavia is in a state of war.

Following termination of the state of war the person referred to in Paragraph 1 of this article may remain in the permanent component of the Armed Forces if he becomes a citizen of the Socialist Federal Republic of Yugoslavia.

## Article 15

The State Presidency of the Socialist Federal Republic of Yugoslavia may transfer to the reserves of the Armed Forces a person who is not a citizen of the Socialist Federal Republic of Yugoslavia but who has acquired the rank of a military officer during service in the Armed Forces in wartime. That person shall be carried in the military records as a military officer with an honorary rank.

The State Presidency of the Socialist Federal Republic of Yugoslavia may also award an honorary rank to a person who is not a citizen of the Socialist Federal Republic of Yugoslavia and who has not served in the Armed Forces if he has done particular service for the Armed Forces.

## Title III. Replenishment of the Armed Forces (Enlistment and Development of Military Personnel)

### 1. General Provisions

## Article 16

Citizens of the Socialist Federal Republic of Yugoslavia shall enter the Armed Forces on the basis of the document of the authorized authorities inducting them into the Armed Forces on the basis of required military service or on the basis of the act of acceptance into active military service or into a military school or on the basis of a contract on acceptance into the service.

## Article 17

Draftees and persons in the reserves shall enter the Armed Forces on the basis of the active induction.

Acceptance into active military service shall take place on the basis of the act of promotion to a rank or class of an active military person, a contract on active military person for a specified period or other act concerning acceptance into active military service.

After he has done his required military service a soldier may be accepted into service in the Armed Forces for a specified period on the basis of a contract (soldier under contract for a specified period) if he meets the general conditions enumerated in Article 19 of this law and if while doing his required military service he is qualified for particular duties.

Under a contract on acceptance into the service for a specified period a soldier shall be enlisted for 3 years in the appropriate rank prescribed by this law for soldiers. During his service the soldier under contract for a specified period shall have the status of a military person: he shall exercise his rights and discharge his obligations with respect to wearing the uniform, promotion to ranks, travel abroad, leaving the station, living in the garrison and material and disciplinary responsibility pursuant to the provisions which apply to soldiers, but the rights to personal income and compensation, annual vacation and leave, old-age and disability insurance, health insurance and other rights arising out of social security, rights under regulations on disabled military personnel and other rights, obligations and responsibilities related to performance of service shall be in conformity with regulations which apply to persons accepted into active military service for a specified period. The federal secretary for national defense (hereinafter "the federal secretary") shall prescribe the manner in which those rights shall be exercised and those obligations discharged, the qualification of soldiers for particular duties and their acceptance into the service.

A soldier accepted into the service for a specified period may be accepted for service in the Armed Forces as an active military person or as a civilian under the conditions prescribed by this law.

## Article 18

Draftees and personnel in the reserves shall be inducted into the Armed Forces under the conditions and in the manner defined by the federal law regulating required military service and by regulations enacted on the basis of law.

Persons shall be accepted for schooling in military schools under the conditions prescribed by the federal law regulating military schools.

Persons shall be accepted into active military service under the conditions and in the manner defined by this law.

## 2. Acceptance Into Active Military Service

### Article 19

A citizen of the Socialist Federal Republic of Yugoslavia who is morally and politically fit to perform the duty of a military officer may be accepted for active military service if he meets the following general conditions:

- 1) if he is fit for active military service;
- 2) if he has not been convicted of a crime against the foundations of the social system of socialist self-management and the security of the Socialist Federal Republic of Yugoslavia or of a crime committed out of desire for gain or other dishonorable motives or in the last 2 years before acceptance into military service he has not been given an unsuspended prison sentence for any other crime;
- 3) if criminal proceedings are not being conducted against him for a crime automatically prosecuted, and in the case of a reserve noncommissioned officer, commissioned officer or military employee--if proceedings are also not being conducted against him before a court of honor;
- 4) if he has served or in some other manner satisfied the obligation of required military service, and in the case of a woman if she has reached age 18;
- 5) if he has the necessary scholastic training for performance of military service.

Acceptance into active military service shall take place according to the needs of the service, within the limits of the number of places envisaged by the table of organization.

When candidates are being screened for acceptance into active military service, consideration shall be given to the most proportional representation of the republics and autonomous provinces and also of the nationalities and ethnic minorities of Yugoslavia in the officer corps.

### Article 20

A person who has been accepted into active military service shall become an active military person as of the date of entry into the service on the basis of the act of acceptance or the act of promotion.

A cadet shall be promoted to a rank or class as of the date of graduation and shall become an active military person as of that date.

### Article 21

Personnel in the reserves may be accepted into active military service through a competition and by advertising vacancies in the table of organization.

As an exception, when the particular needs of the service so require, personnel in the reserves may be accepted into active military service in order to fill certain places in the table of organization as designated by the federal secretary even without a competition or the advertising of the vacancies in the table of organization.

The provisions of Articles 422 through 424 and Articles 426, 427, 430, 434 and 435 of this law shall apply to acceptance into active military service under Paragraph 1 of this article.

#### Article 22

A person in the reserves who meets the general conditions enumerated in Article 19 of this law and has the scholastic training for the arm or service in which he is accepted may be accepted into active military service and promoted to a rank according to his scholastic training and years of service in civilian life if the needs of the service so require.

#### Article 23

An active military employment shall be promoted on the basis of the needs of the service to the corresponding rank of an active noncommissioned officer or commissioned officer through a competition to which the provisions of Articles 422 through 424 and Articles 434 and 435 of this law shall apply.

#### Enrollment as Active Noncommissioned Officers

#### Article 24

The cadet of a secondary military school shall be enrolled in active military service by the act of promotion to the rank of sergeant when he graduates from that school.

A reserve noncommissioned officer or reserve soldier may also be accepted as an active noncommissioned officer.

#### Article 25

A reserve noncommissioned officer may be accepted in active military service as an active noncommissioned officer of the corresponding rank if in addition to the general conditions enumerated in Article 19 of this law he also meets the following special conditions:

- 1) he shall have a favorable evaluation for his period of required military service or military exercises;
- 2) he shall have passed the active noncommissioned officer's test.

The test referred to in Paragraph 1, Subparagraph 2, of this law shall not be taken by a reserve noncommissioned officer who has secondary scholastic training for the arm or service in which he is being enrolled, nor by a

reserve noncommissioned officer who has previously been in active military service.

#### Article 26

A soldier in the reserve may be accepted into active military service and promoted to the rank of an active sergeant if in addition to the general conditions referred to in Article 19 of this law he also satisfies these special conditions:

- 1) he shall have a favorable evaluation during his period of required military service or during military exercises;
- 2) he shall have passed the active noncommissioned officer's test.

The test referred to in Paragraph 1, Subparagraph 2, of this article shall not be taken by a soldier in the reserves who has secondary scholastic training for the arm or service in which he is being enrolled.

#### Enrollment for Active Commissioned Officers

#### Article 27

A cadet of a school for active commissioned officers shall be accepted into active military service upon graduation from that school by the active promotion to the rank of junior lieutenant or by the active promotion to the rank of lieutenant if the regular course of study in that school lasts 5 years.

An active noncommissioned officer, active military employee, cadet of a school for reserve officers and person in the reserves may also be enrolled as an active commissioned officer.

#### Article 28

An active noncommissioned officer or active military employee in classes IX and VIII shall be promoted to the rank of lieutenant if in addition to the conditions enumerated in Article 19, Paragraph 1, Subparagraphs 2 and 3, of this law, he also meets these conditions:

- 1) he shall have completed a military academy as a parttime student;
- 2) he shall not be over 40 years of age;
- 3) his last official evaluation shall be at least "distinguished."

An active noncommissioned officer or active military employee in classes IX and VIII who has not graduated from a military academy may be enrolled as an active commissioned officer and promoted to the rank of lieutenant if he acquires senior postsecondary scholastic training or to the rank of junior lieutenant if he acquires junior postsecondary scholastic training if he meets the conditions enumerated in Article 19, Paragraph 1, Subparagraphs 2

and 3, of this law and the conditions enumerated in Paragraph 1, Subparagraphs 2 and 3, of this article and if he has the appropriate technical military training prescribed by the federal secretary.

#### Article 29

An active military employee in class VI or higher may be transferred to the corresponding rank of an active commissioned officer if in addition to the conditions enumerated in Article 19, Paragraph 1, Subparagraphs 2 and 3, of this law, his last evaluation in regular service was favorable and he has junior or senior postsecondary training for the arm or service to which he is being transferred.

In addition to the conditions stated in Paragraph 1 of this article, an active military employee in class VII may be promoted to the rank of lieutenant if he has senior postsecondary scholastic training, and he may be transferred to the rank of junior lieutenant if he has junior postsecondary training for the arm or service in which he is being accepted.

The time which an active military employee being reclassified as a commissioned officer has spent in the relevant class of a military employee shall be counted as time spent in the rank to which he is being reclassified.

#### Article 30

An officer in the reserves may be accepted as an active officer in the corresponding rank if he meets the conditions stated in Article 19 of this law and if he has senior postsecondary specialized training for the arm or service in which he is being accepted.

Under the conditions stated in Paragraph 1 of this article a reserve officer with the rank of junior lieutenant may be accepted into active military service with the rank of lieutenant.

A cadet of a school for reserve officers who has been accepted into active military service after graduation from the school for reserve officers shall be promoted to the rank of lieutenant if he has senior postsecondary specialized training for the arm or service in which he is being accepted.

#### Article 31

A soldier, noncommissioned officer or military employee in classes IX to VII in the reserves who meets the general conditions stated in Article 19 of this law may be accepted as an active officer and promoted to the rank of lieutenant if he is not over age 40 and if he has the senior postsecondary specialized training for the arm or service in which he is being accepted.

A reserve military employee in class VI or higher who meets the conditions stated in Paragraph 1 of this article shall be promoted to the rank which corresponds to the class which he had at the moment of acceptance into the service.

## Acceptance as Active Military Employees

### Article 32

A cadet of the Secondary Military Music School shall be accepted into active military service by the act of promotion to military employee class IX when he graduates from that school.

A person who meets the conditions stated in Article 19 of this law may also be promoted to military employee class IX in the music service if he has the secondary specialized training necessary for the music service.

## Acceptance Under Contract

### Article 33

A citizen of the Socialist Federal Republic of Yugoslavia who meets the general conditions stated in Article 19 of this law may be accepted into active military service for particular duties and for a specified period of time which may not be longer than 9 years (contract period).

Persons shall be accepted into active military service for a specified period of time under contract.

The contract on acceptance of persons into active military service for a specified period of time shall state the rank, duty, station and length of service, and it may also regulate other rights and obligations.

The federal secretary or officer whom he designates shall conclude the contract on acceptance of persons into active military service for a specified period of time.

### Article 34

The duties for which persons may be accepted into active military service for a specified period of time and the manner of acceptance of those persons shall be prescribed by the federal secretary.

### Article 35

The provisions of this law on the promotion of active military personnel shall not apply to military personnel accepted into active military service for a specified period of time.

### Article 36

The service of a serviceman accepted into active military service for a specified period of time shall terminate upon expiration of the contract.

That service of a serviceman accepted into active military service for a specified period of time shall also terminate before expiration of the

contract period: if it is found on the basis of the evaluation and opinion of the competent body of the medical service that he is permanently unfit for active military service or unfit for the duty which he performs and he does not accept another appropriate duty; if twice in succession his service evaluation has been unfavorable; if a prison sentence longer than 6 months pronounced against him has become final and has not been suspended; if the disciplinary penalty of discharge of an active military person has been pronounced against him in a final verdict of a military disciplinary court or if he has been demoted.

Active military service for a specified period of time may terminate before expiration of the contract period by agreement.

#### Article 37

A serviceman accepted into active military service for a specified period of time who has spent 4 years in that service shall remain in active military service in the rank which he had during service under contract if in addition to the conditions stated in Article 19, Paragraph 1, of this law, he also meets the following conditions:

- 1) he has the appropriate specialized military training for the arm or service in which he is being accepted, as prescribed by the federal secretary, or he has corresponding specialized training for the service in which he is being accepted;
- 2) he is not over age 40;
- 3) his last two service evaluations have been at least as good as "distinguished."

A person whose active military service for a specified period of time terminates may be promoted to the rank of commissioned or noncommissioned officer in the reserves which he had while serving, except in the case of termination of service because of demotion or by verdict of a military disciplinary court.

#### 3. Replenishing Territorial Defense With Active Military Personnel

#### Article 38

Territorial defense shall be replenished with active military personnel by assignment of those personnel from the YPA to territorial defense under the conditions and according to the procedure prescribed by this law.

#### 4. Replenishment of the Reserve Component of the Armed Forces

#### Article 39

The reserve component of the Armed Forces shall be replenished by soldiers in the reserves according to the provisions of the federal law regulating required military service.



#### Article 40

The reserve component of the Armed Forces shall be replenished with noncommissioned officers by promoting soldiers in the reserves to the rank of reserve sergeant and by transferring active noncommissioned officers to the reserve component.

A soldier in the reserves may be promoted to the rank of reserve sergeant if while serving his required military service or in military exercises he is judged to be competent to perform the duties of a sergeant and if he is morally and politically suitable for performance of the duty of a military officer.

#### Article 41

The reserve component of the Armed Forces shall be replenished with commissioned officers by the promotion of noncommissioned officers in the reserves who have graduated from a school for reserve officers to the rank of reserve junior lieutenant and by transfer of active officers to the reserve component.

A person who has graduated from a military academy but has not assumed the status of an active military person may be promoted to the rank of reserve junior lieutenant or to the rank of reserve lieutenant if under the provisions of the federal law regulating required military service he has done his required military service and if his course of study in the military academy lasted 10 semesters or more.

A person who has graduated from a university school of nationwide defense or who at some other university school has specialized in nationwide defense may be promoted to the rank of reserve junior lieutenant if under the provisions of the federal law regulating the military obligation he has done his required military service and if he has spent the prescribed time in a military unit or military institution in the duty of a military officer and has successfully performed duty in an officer position.

A person who has graduated from a school for internal affairs whose curriculum also includes the curriculum of a school for reserve officers may be promoted to the rank of reserve junior lieutenant if under the provisions of the federal law regulating the military obligation he has done his required military service and has spent the required time in the duty of the military officer in a military unit or military institution and has successfully performed duty in an officer position.

A soldier, noncommissioned officer or military employee in classes XII through VIII in the reserves may be promoted to the rank of reserve junior lieutenant if he has successfully performed duty in the position of a reserve officer if he passes the examination for the rank of reserve junior lieutenant.

The syllabus of the test for the rank of reserve junior lieutenant, the conditions for registering for the test and taking the test, and the manner in

which application shall be made for the test and the test shall be taken shall be prescribed by the federal secretary.

#### Article 42

The reserve component of the Armed Forces shall be replenished with military employees by transferring active military employees to the reserve component.

#### 5. Transfer to Another Arm or Service

#### Article 43

A noncommissioned officer or commissioned officer may be transferred at his request from one arm to another arm or service and in the other direction, and a military employee from one service to another if he has the specialized training for the arm or service to which he is being transferred and if the needs of replenishment so require.

A noncommissioned officer or commissioned officer may be transferred from one arm to another arm or service and in the opposite direction and a military employee from one service to another to meet the needs of the service if because of reorganization of military units or military institutions or for other reasons the number of T/O [table of organization] positions in one arm or service is being reduced, while in another arm or service there are vacant T/O slots and a need to fill those vacancies, if he has the specialized training for the arm or service to which he is being transferred.

Consent of the person being transferred is required for transfer of an active noncommissioned officer, commissioned officer or military employee to meet the needs of the service as described in Paragraph 2 of this article.

A soldier or soldier in the reserves may be transferred only to meet the needs of the service.

#### Article 44

An active noncommissioned officer, commissioned officer or military employee shall upon his application or with his consent be sent for retraining to acquire the specialized training for the arm or service to which he is being transferred.

The specialized training for another arm or other service may also be acquired through practical work. The federal secretary shall prescribe the conditions and manner of acquiring that training.

#### 6. Promotion of Noncommissioned Officers and Commissioned Officers in Wartime

#### Article 45

In wartime noncommissioned officers and commissioned officers may be promoted even when the conditions prescribed by this law have not been met out of

consideration for demonstrated bravery, ability to command and direct, professional competence and the meritorious wartime service of the person being promoted to the rank of a noncommissioned officer or commissioned officer.

The State Presidency of the Socialist Federal Republic of Yugoslavia shall prescribe the standards and procedure for promotion to the ranks of noncommissioned officers and commissioned officers in wartime.

#### 7. Power of Promotion to the Ranks of Noncommissioned Officer, Commissioned Officer and Military Employee

##### Article 46

The State Presidency of the Socialist Federal Republic of Yugoslavia shall promote to the rank of active or reserve commissioned officer.

##### Article 47

The federal secretary shall promote to the rank of active noncommissioned officer and to the class of active military employee.

##### Article 48

Promotions to the rank of reserve sergeant shall be made as follows:

- 1) in the YPA--by the commander of the regiment or commanding officer of the same or higher rank;
- 2) in territorial defense--by the agency designated by the republic or provincial enactment.

#### Title IV. Special Service-Related Rights and Duties of Military Personnel

##### Article 49

Military personnel shall have the following specific service-related rights and duties:

- 1) to creatively apply, develop and perfect the conception of nationwide defense in the organization and operation of the military unit or military institution;
- 2) to develop and strengthen equality and the brotherhood and unity of the nationalities and ethnic minorities of Yugoslavia and to strengthen the internal firmness, moral-political unity and combat capability of the Armed Forces;
- 3) to work to strengthen security and social self-protection;
- 4) to preserve and build comradely relations in military units and military institutions;

- 5) to strengthen military discipline;
- 6) to improve the organization of life and work in military units and military institutions;
- 7) to improve themselves in political ideology and professional competence, and commanding officers shall also provide the conditions for the ideological-political and professional improvement of soldiers and other members of the military unit or military institution;
- 8) to preserve weapons, military equipment and other materiel.

The rights and duties referred to in Paragraph 1 of this article, along with other rights and duties, shall be exercised or discharged by military personnel through their work in the military unit or military institution and by presenting their opinions and proposals to superior officers.

#### Article 50

Under the conditions set forth in law an active military person may establish an employment relation or work for compensation or reward outside the military unit or military institution or engage in self-employment or professional activity only with permission of the federal secretary or officer whom he authorizes.

#### 1. The Meeting of the Military Unit or Military Institution

#### Article 51

Military personnel shall have the right and duty to take up matters in the life and work of the military unit or military institution in the meeting of the military unit or military institution and to present opinions and proposals to superior officers, to commands and to other competent authorities.

#### Article 52

The meeting shall be called and directed by the commanding officer of the military unit or military institution or by the commanding officer of the organizational unit of the command or institution.

The commanding officer referred to in Paragraph 1 of this article shall present reports in the meeting on the situation, missions and other important matters in the life and work of the unit or institution or organizational unit of the command or institution and on important matters which pertain to the Armed Forces.

## 2. Execution of an Order

### Article 53

Military personnel are required to execute the orders of superior officers which pertain to the service, unless it is obvious that execution of the order would constitute a crime.

Under the conditions stated in Paragraph 1 of this article military personnel are also required to execute orders of those senior to them when a superior officer is not present and when measures need to be undertaken urgently to perform official tasks which are important and cannot be postponed.

The service regulations of the Armed Forces shall state when the military personnel referred to in Paragraph 2 of this article are required to execute the orders of those senior to them.

If he receives an order whose execution would constitute a crime, a serviceman is required to immediately report the order to a higher superior officer or person senior to the person who issued the order.

## 3. Special Authorities of Military Personnel

### Article 54

In conformity with service regulations military personnel shall have the right to bear firearms.

In performing guard and patrol duties, the duties of CQ [charge of quarters] and other similar duties military personnel may use weapons if they cannot otherwise:

- 1) protect the lives of the people they are guarding;
- 2) repel an attack or eliminate an immediate danger of an attack against the facility they are guarding;
- 3) repel from themselves a direct attack threatening their life.

A military personnel shall perform his service in the context of Paragraph 2 of this article when under service regulations he is required to take measures to remove the danger of an attack on human lives or property.

Military personnel serving under the immediate supervision of an officer may use weapons only on his order.

The service regulations of the Armed Forces shall regulate the procedure of military personnel in guarding people and property and the conditions under which a serviceman may use a weapon in performance of duty.

Authorized military personnel serving in military security and the military police may use weapons and other forms of coercion in performing the duties of military security or military police under the conditions prescribed by law for authorized law enforcement officers.

In the performance of combat missions military personnel shall use firearms and other weapons according to the regulations concerning combat action.

#### 4. Special Duties of Commanding Officers

##### Article 55

Commanding officers are required to give members of the military unit or military institution which they head moral preparation and training for defense of our socialist community and the brotherhood and unity of our nationalities and ethnic minorities, to be mindful of their life and health, to preserve their dignity and to guarantee them the exercise of the rights they are entitled to under the law, to require of them conscientious execution of orders pertaining to the service, to offer them aid in performing their service and to develop and strengthen comradeship in their units and institutions.

In issuing an order the commanding officer is required to be mindful of the fitness of the serviceman for performing the tasks which follow from the order.

#### 5. Grievances and Other Petitions

##### Article 56

Military personnel have the right to submit grievances and other petitions to superior officers pertaining to all matters in the life and work of the military unit or military institution, in conformity with the service regulations of the Armed Forces.

The right to submit a grievance against an order of a superior officer does not relieve the serviceman of the obligation to execute the order.

##### Article 57

The federal law regulating general administrative proceedings shall apply to requests and other submittals in administrative proceedings.

Administrative and court fees for submittals, rulings and other documents and actions in proceedings shall not be paid in proceedings to exercise a right on the basis of service in the Armed Forces.

## 6. The Duty To Safeguard State, Military, Official and Trade Secrets

### Article 58

Military personnel are required to safeguard state, military, official and trade secrets.

The obligation to safeguard state, military, official and trade secrets shall also persist after termination of service in the Armed Forces.

The federal secretary or officer whom he designates may grant permission for a serviceman or person whose service in the YPA has terminated to communicate to a body of self-management or government agency a particular datum which is a secret only if the public interest so requires.

The agency designated by the republic or provincial enactment shall issue the permission referred to in Paragraph 3 of this article for a person serving in territorial defense or a person whose service in territorial defense has terminated.

## 7. Military Uniform

### Article 59

Military personnel shall wear a uniform.

The military uniform, the insignia of the Armed Forces and the insignia of the ranks and classes or titles shall be regulated by a federal law.

## 8. Housing in the Military Unit or Military Institution and Departure From the Station

### Article 60

Soldiers, cadets and reserve soldiers are required to live in the military unit or military institution during their service in the YPA.

The federal secretary may order that other military personnel serving in the YPA shall be required to live in the military unit or military institution temporarily if particular needs of the service so require (during an alert or other measures of increased combat readiness, military exercises, when measures are being taken against major natural disasters or other general dangers, etc.).

The agency designated by enactment of the republic or autonomous province may under the conditions stated in Paragraph 2 of this article order that military personnel serving in territorial defense shall be required to live in the military unit or military institution temporarily.

Service regulations shall set forth the internal order in the military unit or military institution.

#### Article 61

Soldiers, cadets and soldiers in the reserve may leave the military unit or military institution during military service under the conditions prescribed by the federal secretary.

The regulation referred to in Paragraph 1 of this article shall also regulate the manner in which an active serviceman shall notify his superior officer when he intends to leave the station.

#### Article 62

When a general or partial mobilization has been proclaimed, when the taking of alert measures or other measures of increased combat readiness has been ordered, or when it is ascertained that an immediate danger of war or other extraordinary conditions exist, the serviceman may leave the military unit or military institution or station only with permission of his superior officer.

#### Article 63

A serviceman may travel abroad with permission of the competent officer.

The federal secretary shall prescribe the cases when a serviceman shall not be granted permission to travel abroad because of particular needs of the service and the competence of officers in granting permission for servicemen to travel abroad.

#### 9. Acceptance of Foreign Decorations and Membership in a Foreign Association

#### Article 64

A serviceman may accept a foreign decoration with permission of the State Presidency of the Socialist Federal Republic of Yugoslavia or officer whom it authorizes.

A serviceman may become a member of a foreign professional or other association or of an international organization only with permission of the federal secretary or officer whom he authorizes.

#### 10. Military Identity Card and Military Card

#### Article 65

An active serviceman shall have a military identity card.

The military identity card shall be used for proving the identity of the active serviceman.

If an active serviceman qualifies for a pension or money compensation (Article 402) after termination of his service, and he has reached age 55 by the date when service terminates, he shall retain his military identity card. That identity card shall serve him in proving his identity in civilian life.



Data which pertain to the rank of the active serviceman, the particular military unit or military institution he belongs to, and his length of service and station may be entered in the military identity card. In the case of the persons referred to in Paragraph 3 of this article an entry shall be made on the military identity card on the date of termination of active military service.

The federal secretary shall issue regulations on the military identity card and on the special identity card and personal identity card envisaged by the Geneva Convention on Protection of the Victims of War dated 12 August 1949.

Soldiers, cadets and personnel in the reserves shall have the military card prescribed by the federal law regulating the military obligation.

#### Title V. Promotion of Military Personnel

##### 1. Promotion of Soldiers and Cadets

###### Article 66

Soldiers or soldiers in the reserves may be promoted to the ranks of private first class, corporal and junior sergeant if they are judged to be capable of successfully performing the corresponding duties of military officers and if they meet the other conditions prescribed by the federal secretary.

Cadets shall be promoted to ranks depending on the time spent in the school and academic success, in the manner and under the conditions prescribed by the federal secretary.

##### 2. Promotion of Active Military Personnel

###### General Conditions for Promotion

###### Article 67

An active serviceman should meet the following general conditions for promotion to a higher rank or class:

- 1) he should have spent the specified time in the present rank or class;
- 2) in the last evaluation period before the promotion he should have a service evaluation of at least "good," and he should not have had an unfavorable evaluation in the last 2 years before promotion;
- 3) in the last 2 years before promotion an unsuspended sentence to imprisonment should not have been pronounced on him;
- 4) in the last 2 years before promotion he should not have been imprisoned for a disciplinary offense or demoted;

5) criminal proceedings should not be outstanding against him for a crime automatically prosecuted, nor should there be outstanding proceedings before a military disciplinary court.

The institution of criminal proceedings is an impediment to promotion when the decision to conduct an inquiry has been issued or an indictment has been filed without an inquiry and in the case of the institution of proceedings before a military disciplinary court, when the decision to bring the case before the military disciplinary court is issued.

#### Article 68

It shall be assumed that there was no impediment to promotion to a higher rank as envisaged in Article 67, Paragraph 1, Subparagraphs 3 and 4, of this law if proceedings are halted after renewal or upon a motion for protection of legality, if an acquittal has been returned, if the charge has been thrown out, but not on grounds of the court's lack of jurisdiction, or if a sentence has been pronounced less severe than the imprisonment referred to in Article 67, Paragraph 1, Subparagraph 3, of this law, or that there was no impediment as referred to in Article 67, Paragraph 1, Subparagraph 5, of this law if proceedings have been halted, if an acquittal has been returned, or if the charge was thrown out, but not because of the court's lack of jurisdiction.

In the cases referred to in Paragraph 1 of this article, an active serviceman who has met the other conditions prescribed by law for promotion to a higher rank shall be promoted to that rank as of the day when he has met the other conditions for promotion.

#### Promotion of Active Noncommissioned Officers

#### Article 69

An active noncommissioned officer who meets the general conditions for promotion shall be promoted to a higher rank when he has spent the following periods of time in his present rank:

- 1) in the rank of sergeant--3 years;
- 2) in the rank of sergeant first class--3 years if his service evaluation is "especially distinguished," 4 years if his service evaluation is "distinguished" and 5 years if his service evaluation is "good";
- 3) in the rank of senior sergeant--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";
- 4) in the rank of senior sergeant first class--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";

5) in the rank of master sergeant--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good."

For promotion to the rank of senior sergeant first class an active noncommissioned officer is required to pass an examination for that rank or other examination as prescribed by the federal secretary.

#### Promotion of Active Commissioned Officers

#### Article 70

An active officer in the rank of junior lieutenant who meets the general conditions for promotion shall be promoted to the rank of lieutenant when he has spent the following time in the rank of junior lieutenant:

- 1) 1 year--an active officer who has graduated from a 4-year military academy;
- 2) 2 years--an active officer who has graduated from a 3-year military academy;
- 3) 3 years--an active officer who has the junior postsecondary specialized training for the arm or service to which he belongs.

As an exception to the provision of Paragraph 1, Subparagraph 2, of this article, an active officer who has graduated from a 3-year military academy which he entered as an active noncommissioned officer shall be promoted to the rank of lieutenant when he has spent 1 year in the rank of junior lieutenant.

#### Article 71

An active officer in the rank of lieutenant who meets the general conditions for promotion shall be promoted to the rank of captain when he has spent the following time in the rank of lieutenant:

- 1) an active officer who has graduated from a military academy or has senior postsecondary specialized training for the arm or service to which he belongs--3 years if his service evaluation is "especially distinguished," 4 years if his service evaluation is "distinguished" and 5 years if his service evaluation is "good";
- 2) an active officer who has junior postsecondary specialized training for the arm or service to which he belongs--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good."

As an exception to the provision of Paragraph 1, Subparagraph 1, of this article, an active officer who has been promoted to the rank of lieutenant on the basis of senior postsecondary specialized training acquired in a university school or other senior postsecondary school in civilian life at which

the regular course of study lasts 10 semesters or more and who is in a service which corresponds to his specialized training, shall be promoted to the rank of captain when he has spent 1 year less in the rank of lieutenant than prescribed in the provisions of Paragraph 1 of this article.

#### Article 72

An active officer in the rank of captain who meets the general conditions for promotion shall be promoted to the rank of captain first class if he has been appointed to a T/O position of a higher rank or to a T/O position for which the T/O specifies the rank which he has and a higher rank provided he is on the list of candidates referred to in Article 254 of this law (hereinafter "spread of rank") and if he has spent 1 year in that T/O position, when he has spent the following time in the rank of captain:

- 1) an active officer who has graduated from a military academy or has senior postsecondary specialized training for the arm or service to which he belongs--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";
- 2) an active officer who has junior postsecondary specialized training for the arm or service to which he belongs--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good."

An active officer in the rank of captain who meets the general conditions for promotion shall be promoted to the rank of captain first class if he has been appointed to a position as referred to in Paragraph 1 of this article, when he has spent a longer time in the rank of captain than prescribed in this paragraph, as follows: 3 years if his service evaluation is "especially distinguished," 4 years if his service evaluation is "distinguished" and 5 years if his service evaluation is "good."

#### Article 73

An active officer in the rank of captain first class who meets the general conditions for promotion shall be promoted to the rank of major if he has been appointed to a T/O position of a higher rank or to a T/O position for which a spread of rank has been envisaged by the table of organization and if he has spent 1 year in that T/O position, when he has spent the following time in the rank of captain first class:

- 1) an active officer who has graduated from a military academy or has senior postsecondary specialized training for the arm or service to which he belongs--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";
- 2) an active officer who has junior postsecondary specialized training for the arm or service to which he belongs--5 years if his service evaluation is

"especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good."

#### Article 74

For promotion to the rank of major an active officer must pass the examination for that rank or other examination which under the program corresponds to the examination for the rank of major.

The federal secretary shall prescribe which other examination under the program corresponds to the examination for the rank of major.

#### Article 75

An active officer in the rank of major who meets the general conditions for promotion shall be promoted to the rank of lieutenant colonel if he has been appointed to a T/O position of higher rank or to a T/O position for which the table of organization specifies a spread of rank and if he has spent 1 year in that T/O position, when he has spent the following time in the rank of major:

- 1) an active officer who has graduated from a military academy or has senior postsecondary specialized training for the arm or service to which he belongs--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";
- 2) an active officer who has junior postsecondary specialized training for the arm or service to which he belongs--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good."

#### Article 76

An active officer in the rank of lieutenant colonel who meets the general conditions for promotion may be promoted to the rank of colonel if he has graduated from a military academy or has senior postsecondary specialized training for the arm or service to which he belongs and the appropriate advanced training or specialization prescribed by the federal secretary or if he has acquired the scientific degree of doctor or MA or specialist in a scientific field which corresponds to the arm or service to which he belongs, if he has been appointed to a T/O position of higher rank and if he has spent 1 year in that T/O position--when he has spent 1 year in the rank of lieutenant colonel if his service evaluation is "especially distinguished" or 6 years if his service evaluation is "distinguished."

The promotion referred to in Paragraph 1 of this article shall be made according to lists of candidates for promotion to the rank of colonel which are drawn up in the Federal Secretariat for National Defense in the manner set forth by the federal secretary.

#### Article 77

An active officer in the rank of colonel who meets the general conditions for promotion may be promoted to the rank of major general if he has graduated from the National Defense School or the Operations School or other corresponding school or has received the title of doctor of military science or in the services the title of doctor of science in a scientific field which corresponds to the service to which he belongs, if he has been appointed to a T/O position of higher rank, if in that T/O position he has successfully performed his duties for at least 1 year, if he has spent 5 years in the rank of colonel if his service evaluation is "especially distinguished" or 6 years if his service evaluation is "distinguished" and if he has passed the examination for the rank of major general.

An active major general or lieutenant colonel general who meets the general conditions for promotion may be promoted to the rank of lieutenant colonel general or colonel general after successfully performing the duties in a T/O position of higher rank for 1 year, if in the rank of major general or lieutenant colonel general he has spent 5 years if his service evaluation is "especially distinguished" or 6 years if his service evaluation is "distinguished."

#### Article 78

If immediately before being sent to a trainee program (Article 286) or for schooling (Article 290) or before being relieved of his duties because of treatment and sick leave (Article 292) or before he is placed on a waiting status under the provisions of Article 293, Paragraph 1, Subparagraphs 1 and 2, of this law, has been appointed to a T/O position of higher rank or to a position for which the table of organization has specified a spread of rank or he is in a unit down through regiment or brigade, it shall be assumed that with respect to the conditions for promotion during the trainee period, schooling, medical treatment, sick leave or waiting status he has been appointed to the T/O position of the higher rank or position for which the table of organization specifies a spread of rank or that he is in the duty in the military unit down through regiment or brigade.

If an active officer has been appointed to a position which the table of organization envisages for a civilian, it shall be assumed that he has been appointed to a T/O position of the rank which he has with respect to conditions for promotion.

If an active officer needs to spend a certain time in a T/O position of higher rank or in a position for which the table of organization specifies a spread of rank in order to be promoted to a higher rank, the time spent as the acting holder of that position immediately before appointment shall be included in the time which he has spent in that T/O position.

## Promotion of Active Military Employees

### Article 79

An active military employee who meets the general conditions for promotion shall be promoted to a higher class if he has been appointed to a T/O position envisaged for the specialized training which he has and if he has spent the following time in his present class:

1) an active military employee with secondary specialized training:

--in class IX--4 years;

--in class VIII--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class VII--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class VI--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";

--in class V--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";

2) an active military employee with junior postsecondary specialized training:

--in class VII--4 years;

--in class VI--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class V--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class IV--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";

--in class III--6 years if his service evaluation is "especially distinguished," 7 years if his evaluation is "distinguished" and 8 years if his service evaluation is "good";

3) an active military employee with senior postsecondary specialized training:

--in class VI--4 years;

--in class V--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class IV--4 years if his service evaluation is "especially distinguished," 5 years if his service evaluation is "distinguished" and 6 years if his service evaluation is "good";

--in class III--5 years if his service evaluation is "especially distinguished," 6 years if his service evaluation is "distinguished" and 7 years if his service evaluation is "good";

--in class II--6 years if his service evaluation is "especially distinguished," 7 years if his service evaluation is "distinguished" and 8 years if his service evaluation is "good."

An active military employee with junior or senior postsecondary specialized training who has been appointed to a T/O position for which a lower level of specialized training is envisaged than that which he has shall be promoted to the higher class if he has spent in that class the time prescribed in Paragraph 1, Subparagraph 1 or Subparagraph 2, of this article for the specialized training which the table of organization envisages for that position.

An active military employee who has acquired specialized training higher than that which he had shall be promoted to the initial class that corresponds to the special training which he has acquired if that is more favorable for him, provided that specialized training corresponds to the service he is in and that he has been appointed to a T/O position for which the level of specialized training he has acquired is envisaged.

#### Article 80

An active military employee is required to pass an examination for promotion, as follows:

1) a military employee with secondary specialized training--for class VII;

2) a military employee with junior or senior postsecondary specialized training--for class III.

An active military employee who has a master's degree or is a specialist or doctor of science in a scientific field corresponding to the service which he belongs to shall take an examination for class III based on a special syllabus.



## Article 81

An active military employee may advance in accordance with specialized training that corresponds to the service to which he belongs as follows:

- 1) if he has secondary specialized training--up to class IV;
- 2) if he has junior postsecondary specialized training--up to class II;
- 3) if he has senior postsecondary specialized training--up to class I.

The active military employee referred to in Article 79, Paragraph 2, of this law, shall advance up to class IV if he has been assigned to a T/O position for which secondary specialized training has been envisaged or up to class II if he has been appointed to a T/O position for which junior postsecondary specialized training has been envisaged.

## Provisional Promotion

## Article 82

An active noncommissioned officer or commissioned officer who achieves exceptional success in his work and demonstrates exceptional abilities may be advanced to the immediately higher rank if he has spent two-thirds of the time prescribed by this law for the various ranks if he has spent at least 1 year in the duty of a higher rank or in a post for which the table of organization specifies a spread of rank and if he has passed the examination for the rank when such examination has been prescribed.

More detailed criteria and procedure for the advancement of noncommissioned officers and commissioned officers to the rank of colonel, pursuant to Paragraph 1 of this article, shall be prescribed by the federal secretary.

## Exceptional Advancement

## Article 83

An active serviceman may as an exception be promoted to the immediately higher rank or class regardless of the conditions for promotion prescribed by this law if by virtue of many years of conscientious service he has made a distinguished contribution to the Armed Forces or if he has performed an act especially important to the Armed Forces.

The criteria for determination when an active serviceman has made a distinguished contribution to the Armed Forces through many years of conscientious service or has performed an act of particular importance to the Armed Forces and the manner of advancement of noncommissioned officers, commissioned officers to the rank of colonel, and military employees pursuant to Paragraph 1 of this article, shall be set forth by the federal secretary.

### 3. Advancement of Reserve Noncommissioned Officers, Commissioned Officers and Military Employees

#### Article 84

A reserve noncommissioned officer, commissioned officer or military employee who meets the conditions for promotion prescribed by this law shall be advanced to the higher rank or class according to the staffing needs of the Armed Forces in wartime or according to other needs of nationwide defense.

#### Article 85

A reserve noncommissioned officer, commissioned officer or military employee must meet the following conditions for advancement to the higher rank or class:

- 1) he shall have spent the time prescribed in Article 86 of this law in the rank or class;
- 2) in the last 2 years before promotion he shall not have been given an unsuspended prison sentence for a crime;
- 3) he shall have completed with success military exercises or other training regarded as military exercises by law or shall have qualified for performing the corresponding duties and tasks in nationwide defense;
- 4) there shall be no criminal proceedings nor proceedings before an honor court outstanding against him.

#### Article 86

A reserve noncommissioned officer must have spent the following time in his rank for promotion to the higher rank:

- 1) sergeant--3 years;
- 2) sergeant first class--4 years;
- 3) senior sergeant--6 years;
- 4) senior sergeant first class--6 years;
- 5) master sergeant--6 years.

A reserve commissioned officer shall have spent the following time in his rank for promotion to the higher rank:

- 1) junior lieutenant--4 years;
- 2) lieutenant--4 years;

- 3) captain--5 years;
- 4) captain first class--5 years;
- 5) major--8 years.

A reserve military employee is required to spend the following time in the class for advancement to the higher class:

- 1) a reserve military employee with secondary specialized training:

- in class IX--4 years;
- in class VIII--5 years;
- in class VII--5 years;
- in class VI--7 years;
- in class V--7 years;

- 2) a reserve military employee with junior postsecondary specialized training:

- in class VII--4 years;
- in class VI--6 years;
- in class V--6 years;
- in class IV--7 years;
- in class III--8 years;

- 3) a reserve military employee with senior postsecondary specialized training:

- in class VI--5 years;
- in class V--6 years;
- in class IV--6 years;
- in class III--7 years;
- in class II--8 years.

#### Article 87

A reserve commissioned officer in rank of captain first class and major who meets the conditions stated in Article 85 and Article 86, Paragraph 2, of

this law may be promoted to the rank of reserve major or reserve lieutenant colonel if in the wartime table of organization in the Armed Forces he has been appointed to a T/O position of a higher rank or to a position for which the table of organization specifies a spread of rank or if a corresponding duty outside the Armed Forces is his wartime assignment and if in that T/O position or duty he has spent at least 1 year.

A reserve officer may be promoted to the rank of lieutenant colonel, but for meritorious service in wartime he may be promoted to the rank of reserve colonel or a higher rank.

#### Article 88

A reserve noncommissioned officer, commissioned officer or military employee who in active military service in a rank or class in which he has spent at least 2 years may be promoted to the immediately higher rank or class even though he has not been through military exercises if he meets the other conditions stated in Articles 85 through 87 of this law.

On the basis of a favorable evaluation in one military exercise a reserve noncommissioned officer, commissioned officer or military employee may be promoted twice if in the wartime table of organization he has been assigned to a duty of a higher rank and if he meets the other conditions for promotion prescribed by this law.

A reserve commissioned officer whom the wartime table of organization assigns to a particular military duty of leadership for which he has the necessary specialized training may be given an exceptional promotion if the needs so require, regardless of the conditions prescribed for promotion.

#### Article 89

The federal secretary shall set forth the criteria and manner in which reserve noncommissioned officers, commissioned officers to the rank of colonel, and military employees may be promoted under the provisions of Articles 84 through 88 of this law.

#### Article 90

A reserve military employee may be promoted:

- 1) if he has secondary or junior postsecondary specialized training--up to class IV;
- 2) if he has senior postsecondary specialized training--up to class II.

A reserve military employee may be promoted to class I only for meritorious wartime service.

#### 4. Promotion in Wartime

##### Article 91

Noncommissioned officers, commissioned officers and military employees may be promoted in wartime even if the conditions prescribed by this law have not been met--for bravery, ability to command and direct, and for meritorious wartime service.

The State Presidency of the Socialist Federal Republic of Yugoslavia shall prescribe the criteria, procedure and jurisdiction for promotion of noncommissioned officers, commissioned officers and military employees under Paragraph 1 of this article.

#### 5. Jurisdiction for Promotion

##### Recommendation for Promotion

##### Article 92

Soldiers, noncommissioned officers, commissioned officers and military employees shall be promoted on recommendation of the competent commanding officer.

##### Article 93

The recommendation for advancement to the ranks of noncommissioned officers, to the ranks of officers up to the rank of colonel and to the classes of military employees shall be submitted through the chain of command to the officer competent for promotion.

Every officer higher than the officer who submitted the recommendation for promotion shall reject the recommendation if he finds that the person recommended for promotion does not meet the conditions for promotion.

A recommendation for promotion to the rank of major general or higher rank shall be submitted by the federal secretary.

##### Article 94

The federal secretary shall determine which officer is competent for submitting recommendations for promotion of soldiers and active military personnel.

The competent opstina administrative agency shall submit recommendations for promotion of reserve noncommissioned officers, commissioned officers and military employees for whose promotion the federal secretary and officers of the YPA are competent through the military territorial authority.

A republic or provincial enactment shall regulate the submittal of recommendations for promotion of reserve noncommissioned officers, commissioned officers and military employees for whose promotion the agency designated by the

republic or provincial enactment under the provision of Article 98 of this law is competent.

#### Jurisdiction for Promotion

#### Article 95

The State Presidency of the Socialist Federal Republic of Yugoslavia shall promote officers to the rank of major general or higher rank.

#### Article 96

The federal secretary shall promote active and reserve officers to the ranks of major, lieutenant colonel and colonel; active and reserve military employees to classes III, II and I; and active noncommissioned officers, military employees and commissioned officers to the rank of colonel pursuant to Articles 82 and 83 of this law.

#### Article 97

The commander of the army and officer of the same or higher rank and the commander of another military unit designated by the federal secretary shall promote active noncommissioned officers, active commissioned officers to the rank of captain first class and active military employees up to class IV, as well as reserve commissioned officers to the rank of captain first class and reserve military employees from class VIII to class IV--who have been assigned to the YPA.

The commanding officer of the military territorial agency at the first level shall promote reserve noncommissioned officers and reserve military employees in class IX assigned to the YPA.

The officer referred to in Paragraph 1 of this article as designated by the federal secretary shall promote active military personnel as referred to in Paragraph 1 of this article who have been assigned to territorial defense and sent to a government body, organization of associated labor or other organization.

#### Article 98

The competent authority in the republic or autonomous province shall promote reserve noncommissioned officers, reserve commissioned officers to the rank of captain first class and reserve military employees up to class IV who have been assigned to territorial defense but have not been assigned to the Armed Forces.

#### Article 99

A commanding officer holding the position of commander of a regiment, independent battalion or higher position, and in territorial defense the competent authority in the republic or autonomous province--shall promote soldiers or reserve soldiers in the YPA.

## 6. Examinations for a Rank or Class

### Article 100

An active serviceman shall submit to his superior officer an application to take the examination for a rank or class in the year preceding the year in which he wishes to take the examination.

An active colonel shall not file application for taking the examination for the rank of major general. That examination shall be taken by an active colonel who has been designated by the federal secretary on recommendation of the Military Council.

### Article 101

The taking of the examination for the rank of major and for military employee class III is subject to approval after 2 years spent in the rank of captain or after 2 years spent in military employee class V, and in the case of military employee class VII after 3 years spent in active military service, but not before the candidate has completed the trainee period, if such period is required.

The taking of the examination for the rank of senior sergeant first class shall be subject to approval after 2 years spent in the rank of sergeant first class.

### Article 102

An active officer in a service or active military employee who has junior or senior postsecondary specialized training for his service shall take an examination in specialized subjects for the rank of major or military employee class III according to the syllabus of the corresponding examination in civilian life if such examination exists.

If the corresponding examination has been passed in civilian life, credit shall be given for passing the examination in the specialized subjects which are envisaged in the syllabus of the examination for the rank or class.

An active commissioned officer in the legal service and an active military employee who is a law school graduate shall take the specialized section of the examination (examination in jurisprudence) before the competent republic or provincial commission.

When the law so prescribes, accreditation for passing the specialized civilian examination shall be granted for passing the examination for the rank or class.

### Article 103

The examination shall be taken before an examining commission in the YPA.

The examining commission is required to summon to an examination all persons who have been granted permission to take the examination in the year for which they have registered for the examination.

#### Article 104

A candidate who has not passed the examination for the rank or class may repeat the examination several times, as shall be determined in detail by the federal secretary.

#### Article 105

The federal secretary is hereby authorized to issue the syllabus for examinations for ranks or classes and regulations on the manner of application for and taking of those examinations and on the composition of examining commissions.

### Title VI. Evaluation, Decorations and Commendations

#### 1. Evaluation

#### Article 106

Military personnel shall be evaluated in order to ascertain their performance in service, for decisionmaking on promotion and decisions on other relations in the service, as well as to encourage advanced specialized training and greater application of effort in the service.

Evaluation shall be regular or extraordinary.

#### Article 107

A serviceman's evaluation shall either be favorable or unfavorable.

The favorable evaluations for an active serviceman are "satisfactory," "good," "distinguished" and "especially distinguished."

#### Article 108

The evaluation shall be communicated to the person evaluated.

A serviceman may appeal an evaluation within 15 days from the date when the evaluation was communicated to him.

The appeal shall be submitted to the immediately superior officer, and a person in the reserves may also file an appeal through the opstina administrative agency competent for national defense affairs.

There is no further legal remedy against an evaluation rendered on appeal.



## Evaluation of Soldiers

### Article 109

The regular evaluation of soldiers shall take place 30 days before completion of required military service.

Extraordinary evaluation of soldiers shall take place when a decision has to be made on promotion of the soldier to the rank of private first class, corporal or junior sergeant and on assignment to a duty in which he would have authority over others.

### Article 110

Information shall be entered in the soldier's evaluation on his fitness for a particular duty, moral and political attributes, discipline and physical fitness.

### Article 111

The immediately superior officer holding the position of company commander or commander of an independent platoon or higher position shall be competent to evaluate soldiers.

The appeal shall be ruled on by the officer immediately superior to the officer who made the evaluation.

## Evaluation of Active Military Personnel

### Article 112

An active serviceman shall be regularly evaluated for the first time after he has spent 1 year in active military service, and then after every 3-year interval until completion of 10 years of effective active military service and every 4 years after completion of 10 years of effective active military service.

As an exception to the provision of Paragraph 1 of this article, an active serviceman who has received an unfavorable evaluation shall be regularly evaluated at the end of 1 year from the date when he received the unfavorable evaluation.

### Article 113

As an exception to the provisions of Article 112 of this law, an active serviceman shall not be evaluated in the following cases:

- 1) who in the period covered by the evaluation has not spent more than 12 months in succession in the duty, except for a person who is being evaluated for the first time;

2) if a person has received an unfavorable evaluation, and in the period between the two evaluations has not spent more than 6 continuous months in the duty.

#### Article 114

As an exception to the provisions of Article 112 of this law, regular evaluation of active military personnel during the trainee period shall take place after completion of the trainee period.

Active military personnel attending military school shall be evaluated under the regulations pertaining to the military schools. The evaluation of general performance which an active serviceman has received during schooling must be taken into account in that person's service evaluation.

#### Article 115

Extraordinary evaluation of active military personnel shall take place when a decision has to be made in connection with relations in the service, if more than 1 year has passed since the last evaluation was made, as follows:

- 1) if it is proposed that the active serviceman be relieved of a duty because his performance in the duty has not been satisfactory;
- 2) if an active serviceman has been appointed to a duty in another military unit or military institution;
- 3) if an active serviceman is being sent for schooling;
- 4) if the service evaluation which an active serviceman has received no longer corresponds to his work and the results which he has been achieving in the service.

The provisions of Paragraph 1, Subparagraph 3, of this article shall not apply to an active serviceman who is not relieved of his duty upon being sent for schooling.

As an exception to Paragraph 1 of this article, extraordinary evaluation of an active serviceman who has been favorably evaluated shall also take place when conditions come about for issuing an unfavorable evaluation (Article 117) regardless of how much time has passed since the favorable evaluation was made.

#### Article 116

The results of the effort of an active serviceman achieved in the period covered by the evaluation shall be taken as the basis for issuing the service evaluation. Information obtained in regular visits, analyses and evaluations of the condition of the military unit or military institution and information obtained through other forms of work and direction shall be used to obtain an insight into the results achieved in the work of the active serviceman.

Aside from general information, information shall be entered in the active serviceman's service evaluation on the level of professional military knowledge and general knowledge and Marxist education, on his ability to perform his duty, on particular aptitude for performance of particular duties, resourcefulness in performance of work, effort, success achieved in work and direction, moral and political attributes, state of health, physical condition and significant features important to the service.

The service evaluation of an active serviceman during a trainee period shall also include evaluation of his performance during the trainee period.

A service evaluation shall end with a conclusion stating the level of the favorable evaluation or stating that the evaluation is unfavorable.

#### Article 117

An active serviceman shall be given an unfavorable evaluation in the following cases:

- 1) if it is found that the condition of the military unit or military institution which he commands and directs is not satisfactory or that the results of work on tasks which he performs is poor because of his lack of effort, negligent or irresponsible attitude toward the service;
- 2) if in the period for which the evaluation is being made a final verdict has been rendered against him because of a crime or disciplinary offense committed out of dishonorable motives;
- 3) if in the period for which the evaluation is being made he has displayed poor moral and political attributes.

#### Article 118

An active serviceman shall be evaluated by his commanding officer holding the position of battalion commander or higher position. If that officer is not the immediate superior of the active serviceman who is being evaluated, he shall issue the service evaluation after having first obtained the opinion of the immediately superior officer in the position of company commander.

Within 60 days from the date of communication of the evaluation the immediately superior officer shall automatically amend an evaluation given by the officer referred to in Paragraph 1 of this article if he finds that the evaluation was not made in conformity with the criteria prescribed in Articles 116 and 117 of this law, if the evaluation does not fully or in some part correspond to the personal attributes and performance of the person evaluated, or if it is obvious that the conclusion of the evaluation does not square with the evaluation's content.

An appeal may be filed against the evaluation referred to in Paragraph 2 of this article.

#### Article 119

An appeal against an evaluation shall be ruled on by a commission established by the officer immediately superior to the officer who issued the evaluation if he holds the position of regimental commander or equal or higher position.

The commission for ruling on an appeal shall consist of three members. The members of the commission may not be officers who participated in making the evaluation against which the appeal has been filed. The chairman of the commission may not be junior in rank to the officer who made the original evaluation, and the other members of the commission may not be junior in rank to the appellant.

The commission is required to make the evaluation on appeal within 2 months from the date when the appeal was delivered.

#### Article 120

A final service evaluation of an active serviceman shall be nullified by any officer superior to the officer who issued that evaluation or who ordered the commission which ruled on an appeal against a service evaluation if the evaluation was made contrary to the provisions of this law regulating jurisdiction for issuing the service evaluation or regulating the periods of time for evaluation or the conditions for making an unfavorable evaluation or extraordinary evaluation.

Under the conditions referred to in Paragraph 1 of this article the service evaluation of an active serviceman may be nullified until the conditions are met for making the next service evaluation of that person.

#### Article 121

The evaluation of an active serviceman shall be entered in the serviceman's personal file.

#### Evaluation of Personnel in the Reserves

#### Article 122

Personnel in the reserves shall be evaluated upon completion of military exercises for the time served in the YPA.

The provisions of Articles 109 through 111 of this law on evaluation of soldiers shall be appropriately applied to evaluation of personnel in the reserves.

## Enactment of Regulations

### Article 123

The federal secretary shall prescribe the manner of making the service evaluation, of communicating the evaluation, appeal procedure and procedure for recording evaluations and the forms of the service evaluation.

### Article 124

Personnel in the reserves serving in territorial defense shall be evaluated according to the regulations of the republic or autonomous province enacted in conformity with the provisions of this law concerning evaluation.

## Evaluation in Wartime

### Article 125

The provisions of Articles 106 through 122 of this law shall not apply in wartime.

Military personnel in wartime shall be evaluated under the conditions and in the manner set forth by the federal secretary.

## 2. Decorations and Commendations

### Article 126

Decorations and commendations may be awarded to military units or military institutions and military personnel for particular success achieved in the service.

Military personnel may be given badges as a sign of recognition for successful performance of a task assigned and commemoration medals and other insignia for participation in important events in the life and work of the armed forces.

The badges and other insignia may be awarded to working people and citizens, to organizations, to communities and to associations as well for contribution in building and developing the armed forces.

The federal secretary is hereby authorized to establish badges and other insignia.

### Article 127

A commendation may be oral or written.

An oral commendation shall be made by the superior officer, and a written commendation by an officer in the position of company commander or equal or higher position, and in territorial defense--by the body designated by the regulation of the republic or autonomous province.

## Title VII. Social Security

### 1. Health Care

#### General Provisions

##### Article 128

Soldiers, cadets and personnel in the reserves while serving in the YPA are entitled to health care within the scope set forth by this law.

Personnel in the reserves while serving in territorial defense are entitled to health care under the regulations of the republic or autonomous province and shall have other rights related to illness, injury or death prescribed by this law.

##### Article 129

Military scholarship holders (Article 302, Paragraph 1) and members of their immediate family (spouse and children) shall be entitled to health care charged to the financial plan of the Federal Secretariat for National Defense in the scope in which federal law prescribes health care of active military personnel and members of their family, unless they qualify on some other basis.

#### Health Care of Soldiers, Cadets and Personnel in the Reserves During Service in the YPA

##### Article 130

The health care of soldiers, cadets and personnel in the reserves while serving in the YPA shall cover the following:

- 1) all forms of preventive medical protection;
- 2) medical examinations, medical treatment and other types of medical aid in military medical institutions and in other health care institutions;
- 3) medical examinations and other types of medical aid in order to monitor and check the state of health;
- 4) the issuance of drugs, accessories used in administering drugs and bandaging necessary for medical treatment;
- 5) prevention, care and treatment of diseases of the teeth and mouth;
- 6) dental service and dental prosthetics;
- 7) orthopedic appliances.

#### Article 131

Soldiers, cadets and personnel in the reserves during service in the YPA shall obtain health care in military medical institutions.

As an exception the persons referred to in Paragraph 1 of this article may also obtain health care in other health care institutions:

- 1) if there is no military medical institution at the station;
- 2) if the military medical institution cannot offer the appropriate forms of health care;
- 3) in emergency cases.

The health care referred to in Paragraph 2, Subparagraphs 1 and 2, of this article, except in emergency cases, shall be obtained on the basis of referral of the competent physician, and if there is no health care institution at the station--on the basis of referral of the competent officer.

The personnel referred to in Paragraph 1 of this article shall obtain health care in wartime in the manner in which injured and ill members of the armed forces are cared for during that time.

#### Article 132

Soldiers and cadets shall not pay any part of the costs of health care.

#### Article 133

Travel expenses under regulations on travel expenses and other expenses in the YPA shall be paid for soldiers, cadets and personnel in the reserves during service in the YPA whom the competent physician or commanding officer of the military unit or military institution sends to another town for medical examination or medical treatment.

#### Special Rights Related to Illness, Injury or Death

#### Article 134

Soldiers, cadets and personnel in the reserves, after discharge from the armed forces, are entitled to health care for injuries or illnesses which they received during service in the armed forces.

The personnel referred to in Paragraph 1 of this article shall be entitled to health care for an illness which appears after discharge from the armed forces if within 2 months from the date of discharge from the armed forces they report that illness to the competent authority in the republic or autonomous province and if a military medical commission finds that that illness occurred during service in the armed forces.

A pupil in a general secondary military school shall also be entitled to the health care referred to in Paragraphs 1 and 2 of this article if because of physical unfitness for active military service he is entitled to money aid for continuation of his schooling (Article 136, Paragraph 2), if the injury or illness occurred during schooling in the general secondary military school.

#### Article 135

Soldiers, cadets and personnel in the reserves who have been discharged from the armed forces because of a deterioration of a disease which they had before entering the armed forces shall be entitled to health care for that disease until the disease is cured or stabilized, but no longer than 2 years from the date of discharge from the armed forces.

A pupil in a general secondary military school who because of a deterioration of a disease which he had before entering the general secondary military school becomes physically unfit for active military service and qualifies for money aid for continuation of schooling shall also be entitled to health care under Paragraph 1 of this article.

#### Article 136

A cadet because of physical unfitness for active military service has been discharged from schooling shall be entitled to money aid for continuation of schooling in another school of the same level.

A pupil in a general secondary military school who is proclaimed physically unfit for active military service may continue schooling in the general secondary military school or may exercise the right to money aid for continuation of schooling in another school at the same level.

The amount of money aid referred to in Paragraphs 1 and 2 of this article shall be determined depending on the financial situation of the cadet or pupil and members of his family and the costs of schooling.

#### Article 137

The family of a soldier, cadet or person in the reserves who is killed or died during service in the armed forces or who dies in a medical institution to which he has been referred and kept for treatment during service in the armed forces, and also the family of a person as referred to in Articles 134 and 135 of this law, should that person die in a health care institution, shall be entitled to reimbursement of actual costs of transport of remains to the place of burial. If another person has transported the remains, that person shall be entitled to the reimbursement of the actual costs of transport of the remains.

The family or person who has transported the remains of a pupil in the general secondary military school who has been killed or has died during schooling in a general secondary military school shall also be entitled to the reimbursement referred to in Paragraph 1 of this article.



## Article 138

The reimbursement of costs referred to in Article 137 of this law includes the following:

- 1) the costs of transporting the remains by train or ship to the place of burial, and if there is no rail or ship service between those points--the actual costs of transport by other means of transport;
- 2) the costs of transporting the remains to the railroad station or river or seaport, and in the place where the burial takes place--from the station or seaport or riverport to the grave;
- 3) traveling expenses for two escorts of the remains;
- 4) other costs of transport incurred in the spirit of general regulations on the conditions and manner of exhumation and transport of corpses.

## Article 139

The family of a soldier, cadet or person in the reserves who has been killed or died during service in the armed forces or who has died in a health care institution to which he was referred during service in the armed forces and kept for treatment even after termination of that service shall be entitled to reimbursement of burial expenses. If another person has performed the burial of the soldier, cadet or person in the reserves, that person shall be entitled to reimbursement of burial expenses.

The family or person who buries a pupil in a general secondary military school who has been killed or has died during schooling in the general secondary military school shall also be entitled to reimbursement of burial expenses.

The reimbursement of burial expenses referred to in Paragraphs 1 and 2 of this article shall be in the amount set forth by the Assembly of the Social Security Community of Military Insured in case of the death of a military insured.

## 2. One-Time Money Aid and Other Rights Related to Injury to the Organism or Death of a Serviceman

## Article 140

A serviceman who in performance of duty in peacetime or related to service in the armed forces, through no fault of his own, receives a wound or injury and as a result suffers damage to the organism of at least 20 percent is entitled to one-time money aid whose amount shall be determined according to the degree of physical impairment. The degree of physical impairment shall be established according to the federal regulations regulating the rights of disabled military personnel.

Under the conditions stated in Paragraph 1 of this article a serviceman shall also be entitled to one-time money aid if he has suffered damage to the organism of at least 20 percent because of an illness which occurred or deteriorated as a direct consequence of performance of military service.

Negligence shall not be regarded as fault in the context of Paragraph 1 of this article.

If a serviceman is killed or dies from a wound or injury received or from an illness under the conditions stated in Paragraphs 1 and 2 of this article, his family shall be entitled to the one-time money aid.

The family of a soldier or cadet who dies while serving required military service or during schooling shall also be entitled to one-time money aid.

#### Article 141

A person or family of a person who has suffered an injury to the organism or who has lost his life while traveling to serve in the armed forces or while returning from that service shall also be entitled to one-time money aid under the conditions stated in Article 140, Paragraphs 1, 3 and 4, of this law.

A pupil or the family of a pupil in a general secondary military school whose organism has been damaged or who has lost his life during schooling in the general secondary military school shall also be entitled to one-time money aid under the conditions stated in Article 140, Paragraphs 1, 3 and 4, of this law.

#### Article 142

Payment of one-time money aid shall not affect other rights which a person to whom that aid has been paid may have on other grounds, nor shall the aid which is paid be included in the amount of compensation of loss to which that person is entitled under general regulations, unless this or other federal law provides otherwise.

#### Article 143

"Performance of service" in the context of Article 140 of this law means performance of a regular or extraordinary official task or any other task if it is performed by order of the competent officer.

"Performance of duty related to the service" in the context of Article 140 of this law means:

- 1) traveling to or from official duty;
- 2) the travel of soldiers and cadets to and from leave;
- 3) the presence of soldiers or soldiers in the reserves or cadets in a military building, garrison grounds, airport, camp, exercise grounds, ship or

other naval vessel or other place where he was in accordance with the regulations of the service or by order or permission of the competent officer, as well as in free time on a pass from the military unit or military institution, but not including time spent on leave.

#### Article 144

The following family members of a serviceman shall be entitled to the one-time money aid:

- 1) spouse;
- 2) legitimate and illegitimate or adopted children if they are not older than age 18 or older than age 26 if they are attending school, except for children who are employed, and regardless of age if they are permanently and completely disabled;
- 3) parents or adoptive parent and his spouse;
- 4) stepfather and stepmother;
- 5) brothers and sisters--if they are not older than age 18 or older than age 26 if they are attending school fulltime, except for brothers and sisters who are employed, regardless of age--if they are permanently and completely disabled;
- 6) grandfather and grandmother.

A spouse who has abandoned the marital community without good cause shall not be entitled to one-time money aid. The fact of the spouse having abandoned the marital community without good cause shall be established by a court of general jurisdiction in extrajudicial proceeding.

For the purpose of Paragraph 1, Subparagraph 2, of this article "children" shall include stepchildren, grandchildren and children without parents whom the serviceman has been supporting if they meet the conditions with respect to age of children as defined in that subparagraph.

Parents, adoptive parent and his spouse, stepfather and stepmother and brothers and sisters are entitled to one-time money aid if the serviceman who has been killed or has died does not have a spouse nor children or if the spouse and children are not entitled to that aid. As an exception parents whom the serviceman who was killed or who died was supporting shall be entitled to one-time money aid if that person had only a spouse.

The grandfather and grandmother shall be entitled to one-time money aid if the serviceman who was killed or who died had none of the relatives enumerated in Paragraph 4 of this article or if those relatives are not entitled to the one-time money aid.

#### Article 145

If several persons are entitled to the one-time money aid, the total amount of aid to which they are entitled shall be divided among them in equal parts.

#### Article 146

The degree of physical impairment to qualify for the one-time money aid referred to in Articles 140 and 141 of this law shall be proven by a final decision recognizing the status of a peacetime disabled military person or the finding of a military medical commission.

The procedure for awarding one-time money aid shall be instituted automatically in case of the death of a serviceman or person as referred to in Article 141 of this law and in a case when a wound or injury has been received by a draftee, soldier, soldier in the reserves, cadet or pupil in a general secondary military school.

When proceedings for awarding one-time money aid are instituted by application, that aid may be obtained if the application has been filed within 3 years from the date when the wound or injury was received or the illness or deterioration of the illness causing impairment of the organism occurred.

The decision on the right to one-time money aid shall be made within the YPA by an officer in the position of regimental commander or higher and in territorial defense by the competent body in the republic or autonomous province.

#### Article 147

The spouse of a serviceman who has been killed or who has died of a wound or injury or illness, under the conditions stated in Article 140, Paragraphs 1 and 2, of this law, who is not entitled to a survivor's pension, shall be sent upon application to training in order to acquire specialized qualifications if at the moment of the death of the serviceman the spouse had no specialized training whatsoever and was not employed. The training may last no more than 4 years.

The application referred to in Paragraph 1 of this article may be filed within 2 years from the date of the serviceman's death.

### 3. General Provisions

#### Article 148

The costs of the health care of soldiers, cadets and personnel in the reserves during service in the YPA shall be charged to the financial plan of the Federal Secretariat for National Defense. The costs of health care of soldiers, cadets and personnel in the reserves for injuries and illnesses that occurred during service in the YPA (Article 134), for illnesses which deteriorated during service in the YPA (Article 135), and also the costs of training the spouse of a serviceman serving in the YPA under Article 147 of this law shall

be charged to the financial plan of the Federal Secretariat for National Defense unless they qualify for those rights on some other basis.

The money aid referred to in Article 136 of this law, the reimbursement referred to in Articles 137 and 152 of this law, and also the one-time money aid referred to in Articles 140 and 141 of this law for persons in the YPA shall be charged to the financial plan of the Federal Secretariat for National Defense.

#### Article 149

The rights of persons in the reserves serving in territorial defense or of their families, as prescribed in Articles 134, 135, 137, 139, 140, 141 and 147 of this law, shall be financed under the legislation of the republic or autonomous province.

#### Article 150

The federal secretary is hereby authorized to issue regulations on procedure for providing health care to soldiers, cadets, reserve personnel serving in the YPA and military scholarship holders; on the manner of prescribing and issuing drugs, incidental supplies and medical supplies; on indications for procedures used in dentistry and dental prosthetics, standards governing materials used in those procedures and their length of service; on the exercise of rights to money aid for continuation of the schooling of cadets and pupils in general secondary military schools discharged from school because of unfitness for active military service; on procedure for exercising rights to travel expenses related to exercising rights arising out of health care of soldiers, cadets and reserve personnel serving in the YPA; on procedure for exercising rights to compensation of burial expenses and costs of transporting the remains of soldiers, cadets, reserve personnel serving in the YPA and students of general secondary military schools; on conditions for furnishing training to the spouse of a serviceman under Article 147 of this law and on procedure for exercising rights to one-time money aid of military personnel serving in the YPA, as well as to prescribe the amounts of the one-time money aid for military personnel serving in the YPA or the persons referred to in Article 141 of this law.

Members of territorial defense and personnel called up to serve in territorial defense shall exercise the rights stated in Paragraph 1 of this article in the manner and according to the procedure set down in enactments of the republic or autonomous province.

#### 4. Health Insurance of Active Military Personnel

#### Article 151

The health insurance of active military personnel shall be regulated in a separate federal law.

## Article 152

In case of the death of an active serviceman members of his family shall be entitled to compensation of the actual costs of transporting the remains to the place of burial.

An active serviceman shall also be entitled to the compensation referred to in Paragraph 1 of this article in case of the death of a member of his immediate family (spouse and children) or death of another member of the family whom he has been supporting and with whom he has been living in the same household.

The compensation referred to in Paragraph 1 of this article shall be fixed in the manner prescribed in Article 138 of this law.

## 5. Old-Age and Disability Insurance

## Article 153

Old-age and disability insurance of active military personnel shall be regulated by federal law.

In case of physical injury to the organism because of a wound or injury received or illness contracted military personnel shall have the rights set forth in the federal law establishing the rights of disabled military personnel.

## Title VIII. Accountability of Military Personnel

### 1. Criminal Responsibility

## Article 154

Military personnel shall be accountable for crimes under the provisions of the criminal law and other laws.

### 2. Disciplinary Responsibility

#### General Provisions

## Article 155

A serviceman who in performance of service or in relation to the performance of service has violated military discipline shall be subject to disciplinary punishment for a disciplinary error or disciplinary offense.

A disciplinary error is a minor infraction of military discipline.

A disciplinary offense is a serious infraction of military discipline.

## Article 156

Actions of a serviceman contrary to the obligation of performing military duty as established by law, service regulations and other regulations, orders and other acts of competent commanding officers pertaining to the service shall be considered infractions of military discipline, specifically as follows:

- 1) omission or refusal to execute an order, an insult to the authority of a superior or senior and careless and negligent performance of service or an obligation in the service;
- 2) unjustified absence or unauthorized departure from the military unit or military institution or from the service;
- 3) a violation of state, military, official or trade secrecy, thoughtlessness or insufficient vigilance in the safekeeping of military documents or data;
- 4) abuse of official position or exceeding official authority;
- 5) submittal of inaccurate reports, concealment or destruction of an official document, book or paper, falsification of official documents or use of falsified documents;
- 6) failure to take the steps necessary to preserve the life and health of personnel for whom he is responsible, to secure or maintain in proper condition facilities, articles and equipment related to combat readiness or to regular supply of the military unit or military institution;
- 7) a negligent attitude toward property in his custody, appropriating or damaging military or other property;
- 8) furnishing inaccurate data or documents which might affect acceptance in the service or promotion;
- 9) an act which offends the dignity of subordinates or juniors or violates the rights which they have by law;
- 10) an action in the service which is contrary to military procedure or constitutes a violation of regulations;
- 11) taking a loan from a soldier, requiring or accepting a gift or any other benefit from a subordinate or junior or from anyone related to the service;
- 12) behavior in the service which constitutes a serious violation of comradeship;
- 13) any other action or omission of an action which hinders or prevents proper and expeditious functioning of the service.

#### Article 157

Any act of a serviceman even outside the service which is incompatible with the duty of a military person shall be regarded an infraction of military discipline under this law, but specifically the following:

- 1) commission of a crime out of dishonorable motives;
- 2) display of ethnic, racial or religious intolerance and expression of opposition to the system of socialist self-management or the measures of nationwide defense and social self-protection or the political or economic measures of government and other authorities which might weaken the political unity and morale of the armed forces;
- 3) serious violation of public morality;
- 4) commission of offenses dealt with under this law by the competent military authority;
- 5) any other act contrary to regulations which is harmful to the prestige of the armed forces.

#### Article 158

A serviceman shall bear disciplinary responsibility if he has committed an infraction of military discipline through his own fault (with intent or out of negligence).

#### Article 159

Disciplinary responsibility shall extend as follows:

- 1) in the case of active military personnel--until discharge from active military service;
- 2) cadets--from the date of entry in the military school;
- 3) soldiers--during service of required military service;
- 4) recruits--from the moment of reporting at the place of assembly (assembly point) indicated in the general or individual draft notice or wartime assignment;
- 5) reserve personnel--from the moment of entering the military unit or military institution of the armed forces if they report directly or from the moment of reporting at the place of assembly (assembly point) indicated in the general or individual callup notice or wartime assignment and extending until discharge from the military unit or military institution of the armed forces.

Active and reserve noncommissioned officers, commissioned officers and military employees shall be accountable even after termination of service for disciplinary offenses committed during service in the armed forces.



#### Article 160

The following disciplinary measures may be pronounced for disciplinary errors:

- 1) warning;
- 2) reprimand;
- 3) severe reprimand;
- 4) extra work not to exceed three shifts;
- 5) restriction to the garrison not to exceed 4 days;
- 6) guardhouse confinement not to exceed 30 days;
- 7) loss of rank which the soldier or cadet has acquired.

The disciplinary measures referred to in Paragraph 1 of this article shall not be pronounced against cadets of secondary military schools. The correctional measures prescribed by the federal law regulating the military schools shall apply to them. The correctional measures of expulsion from the school applied against the cadet of a secondary military school shall entail loss of the rank which that cadet has acquired.

The disciplinary measure of extra work may be pronounced only against a soldier, soldier in the reserves and cadet.

The disciplinary measures of restriction to the garrison and guardhouse confinement may be pronounced only against soldiers, reserve soldiers while serving in the YPA and cadets. The disciplinary measure of guardhouse confinement may not be pronounced against a cadet who at the time of committing the disciplinary infraction had not reached age 18.

#### Article 161

The following disciplinary penalties may be pronounced for disciplinary offenses:

- 1) suspension of promotion for a period of no less than 6 months and no more than 3 years;
- 2) reduction of personal income by no less than 5 percent and no more than 10 percent for a period from 1 to 12 months;
- 3) demotion to the T/O position of the immediately lower rank or immediately lower level of specialized training for a period from 1 to 2 years;
- 4) imprisonment not to exceed 30 days;

5) removal from position of a military officer and denial of reappointment or assignment to that position for a period from 1 to 3 years;

6) discharge of an active serviceman;

7) loss of rank or class.

Suspension of promotion shall be counted from the day when the verdict became final. The person punished shall not be given credit for that time with respect to promotion in rank or class, position or personal income.

A commissioned officer may not be punished by demotion to the T/O position of a noncommissioned officer, nor a noncommissioned officer to the T/O position of a soldier.

The penalty referred to in Paragraph 1, Subparagraph 5, of this article may be pronounced only against a reserve military officer.

Loss of rank or class shall entail the discharge of an active serviceman.

#### Article 162

In a trial of a soldier, soldier in the reserves or cadet because of an act against the armed forces which under the provisions of the criminal law may be tried in disciplinary proceedings, and also in a trial of such persons for a misdemeanor when in misdemeanor proceedings the case is turned over to the commanding officer, the offender, except in the case of a soldier or cadet who at the time of committing the act or misdemeanor has not reached age 18, may be given a disciplinary sentence of imprisonment not to exceed 60 days if none of the disciplinary measures which might be pronounced against him under Article 160 of this law would correspond to the gravity of the offense or to the degree of his responsibility.

In the trial of a noncommissioned officer, commissioned officer or military employee for an act against the armed forces which under the provisions of criminal law may be tried in disciplinary proceedings, and also in a trial of such persons for a misdemeanor, when in misdemeanor proceedings the case is turned over to the commanding military officer, the offender may be sentenced to the disciplinary punishment of imprisonment not to exceed 60 days if none of the disciplinary measures which may be pronounced against him under Article 160 of this law and none of the disciplinary penalties which may be pronounced against him under Article 161 of this law would correspond to the gravity of the offense or the degree of his responsibility.

#### Article 163

Disciplinary measures and penalties for violation of military discipline shall be pronounced in order to have a corrective influence on the perpetrator of the offense and on other military personnel and in order to protect the interests of the service and discipline.

Disciplinary measures and penalties for a violation of military discipline shall be pronounced when all other corrective measures have been exhausted or if they would not correspond to the gravity of the offense committed and the offender's behavior.

Disciplinary measures and penalties for violation of military discipline shall as a rule be pronounced in orderly succession.

When a disciplinary measure or penalty is being pronounced, the gravity of the violation of military discipline and the consequences of that violation, the degree of responsibility and the motives out of which the violation was committed, the circumstances under which the violation was committed, previous work and behavior, the nature of the perpetrator's job, the amount of damage and other alleviating and aggravating circumstances shall be taken into account.

#### Article 164

Discharge of an active serviceman and loss of rank or class may be pronounced when the circumstances under which a disciplinary offense was committed or when the personal attributes of the offender displayed in committing the disciplinary offense indicate that it would be harmful to keep the offender in active military service or that the offender is not deserving of the rank or class.

#### Article 165

The institution and conduct of proceedings because of a disciplinary error shall be subject to a statute of limitations when 3 months have passed from the day when the error was committed.

The institution of proceedings because of a disciplinary offense shall be subject to a statute of limitations when 6 months have passed from the day when the superior officer learned that the disciplinary offense was committed, but proceedings may not be instituted nor conducted if more than 2 years have passed from the day when the disciplinary offense was committed.

As an exception to the provision of Paragraph 2 of this article, the institution and conduct of proceedings because of the disciplinary offense of furnishing inaccurate information or documents which might influence acceptance or promotion in the service shall be subject to a statute of limitations when 1 year has passed from the date when the superior officer learned that the offense was committed.

As an exception to the provisions of Paragraphs 2 and 3 of this article, if a verdict of the Higher Military Disciplinary Court has pronounced a disciplinary penalty for a disciplinary offense which was committed against which an administrative dispute may be instituted, the proceedings related to that disciplinary offense may be conducted even after expiration of the period stated in Paragraph 1 or Paragraph 2 of this article if no more than 2 years have passed from the day when that offense was committed or when the superior

officer learned that the disciplinary offense of furnishing inaccurate information was committed.

The statute of limitations on the institution and conduct of proceedings because of a disciplinary offense which also constitutes a crime shall correspond to the statute of limitations on prosecution for the crime. If criminal proceedings have been terminated because the act constitutes a negligible danger to society because of its insignificance or because of the insignificance or absence of harmful consequences of the act, the statute of limitations on the institution and conduct of proceedings for the disciplinary offense shall run out 1 year from the day when criminal proceedings were terminated by a final decision, but proceedings for the disciplinary offense may not be instituted and conducted after the statute of limitations on criminal prosecution has expired.

#### Article 166

The statute of limitations on execution of a disciplinary penalty shall expire 3 months from the day when the decision on the disciplinary penalty became final, and the statute of limitations on execution of a disciplinary measure--when 30 days have passed from the day when the disciplinary measure was pronounced.

As an exception to the provision of Paragraph 1 of this article, the statute of limitations on execution of the disciplinary penalty of discharge of an active serviceman and the disciplinary penalty of loss of rank or class shall expire 6 months from the day when the decision on the disciplinary penalty became final.

The statute of limitations on execution of a disciplinary penalty shall cease to run with every act of the competent authority directed toward execution of the disciplinary penalty.

The statute of limitations on execution of a disciplinary penalty shall in any case expire when twice the time prescribed in Paragraphs 1 and 2 of this article has passed.

#### Article 167

The State Presidency of the Socialist Federal Republic of Yugoslavia may in response to a petition or recommendation reduce, mitigate or pardon any disciplinary measure or penalty except the penalty of discharge of an active serviceman and loss of rank or class.

#### Article 168

In the case of a person whose active military service has terminated because of the penalty of loss of rank or class or discharge from the service a mitigation or pardon of the penalty shall have the following consequences:

1) in the case of a person whose loss of rank or class has been reduced to the penalty of discharge from the service, the prior rank or class shall be restored, and a person whose penalty of loss of rank or class has been reduced to a penalty less severe than the penalty of discharge from the service or whose penalty of loss of rank or class has been pardoned shall at his request be reinstated in active military service in the rank or class which he had;

2) a person whose discharge from the service has been reduced or pardoned shall at his request be reinstated in active military service.

A request for reinstatement in active military service as referred to in Paragraph 1 of this article may be filed within 3 months from the date of notification of the act of reduction or pardoning of the penalty.

The date when the person referred to in Paragraph 1 of this article reenters the service shall be taken as the date of reinstatement in active military service.

#### Article 169

A disciplinary measure shall be deleted from the records and it shall be as though the disciplinary measure had not been pronounced against a person who for a period of 1 year from the date of discharging the disciplinary measure or from the date when the statute of limitations expired on the disciplinary measure has committed no disciplinary offense or more serious act and also in the case of a person whose disciplinary measure has been pardoned.

In the case of a person punished for a disciplinary offense, except the penalties referred to in Article 161, Paragraph 1, Subparagraphs 6 and 7, of this law, and also in the case of a person against whom a disciplinary penalty was pronounced under Article 162 of this law, who for a period of 2 years from the date of serving the sentence or when the statute of limitations expired on the penalty commits no disciplinary infraction or more serious offense, and in the case of a person whose disciplinary penalty has been pardoned, the penalty shall be deleted from the records and it shall be as though he has not been punished.

The disciplinary measure or penalty referred to in Paragraphs 1 and 2 of this article shall be deleted automatically.

Deletion of a disciplinary measure or penalty shall not affect the consequences which that measure or penalty has brought about before the date when the conditions were met for deletion, unless this law provides otherwise.

#### Article 170

Only one disciplinary measure or penalty shall be pronounced for one or more disciplinary infractions for which the defendant is being tried at the same time.

A serviceman may not be subject to a disciplinary measure by the competent officer and also a penalty by a military disciplinary court for the same disciplinary infraction.

If the military disciplinary court finds that the act of a person found guilty constitutes a disciplinary error, it shall pronounce a disciplinary measure against him.

If an act constituting a crime also involved commission of a disciplinary offense, the serviceman may also be accountable before the disciplinary court for the disciplinary offense if particular interests of the service so require. The proceedings before the disciplinary court shall be conducted independently of the course and outcome of criminal proceedings.

#### Article 171

The disciplinary offense of soldiers, cadets, recruits (Article 159, Paragraph 1, Subparagraph 4) and of soldiers in the reserves when they are on military exercises shall be tried under the regulations that apply to disciplinary errors.

#### Jurisdiction and Procedure for Trying Cases of Disciplinary Errors

#### Article 172

Disciplinary errors shall be tried by the competent officers in the prescribed procedure.

#### Article 173

A superior officer in the position of platoon commander or higher position is entitled to pronounce the disciplinary measures of warning, reprimand, severe reprimand and overtime work not to exceed three shifts upon draftees, soldiers, reserve soldiers and cadets.

A superior officer in the position of company commander or higher position has the right to pronounce the disciplinary measures of warning, reprimand and severe reprimand upon commissioned officers, noncommissioned officers and military employees.

The other disciplinary measures may be pronounced by the following:

- 1) platoon commander--1-day restriction to the garrison;
- 2) company commander--restriction to the garrison not to exceed 2 days and guardhouse confinement not to exceed 2 days;
- 3) battalion commander--restriction to the garrison not to exceed 4 days and guardhouse confinement not to exceed 7 days;

4) regimental commander and commander of an independent battalion--restriction to the garrison not to exceed 4 days, guardhouse confinement not to exceed 15 days and loss of rank of private first class, corporal or junior sergeant.

#### Article 174

A brigade commander, division commander or officers holding higher positions have the right to pronounce all the disciplinary measures prescribed by this law. These officers shall also hear cases concerning the accountability of soldiers, soldiers in the reserves and cadets for the offenses enumerated in Article 162, Paragraph 1, of this law.

#### Article 175

Superior officers holding positions equivalent to the positions referred to in Articles 173 and 174 shall also have the authorities accorded by those articles.

The regulation referred to in Article 210, Paragraph 1, of this law shall state which positions are equivalent to the positions referred to in Articles 173 and 174 of this law.

#### Article 176

A disciplinary measure may be pronounced when the offender has been interrogated and other evidence gathered to establish the disciplinary offense and the offender's accountability.

The interrogation of a disciplinary offender shall be recorded in writing--in a record or by a written statement. A draftee, soldier, soldier in the reserves and cadets may also be interrogated orally for minor violations of military discipline.

#### Article 177

An officer holding the position of company commander or equivalent position may pronounce the disciplinary measure of guardhouse confinement on the day after he has learned of the error and the perpetrator.

#### Article 178

An officer holding the position of company commander or higher position, an officer who is the officer of the day in a military unit or military institution and an authorized officer of the military police may detain a soldier or soldier in the reserves who seriously offends order in the military unit or military institution or public order until the competent officer hears the case concerning the disciplinary accountability of the soldier or soldier in the reserves, but no longer than 48 hours.

#### Article 179

An officer who has pronounced the disciplinary measure of guardhouse confinement and loss of rank which a soldier or cadet has acquired shall issue a written order concerning the disciplinary measure pronounced against a soldier, soldier in the reserves or cadet and concerning any disciplinary measure pronounced against other personnel.

Any superior officer may automatically evaluate the correctness of a decision concerning a disciplinary measure within 30 days from the date of communication.

#### Article 180

A decision pronouncing a disciplinary measure or penalty of imprisonment under the provision of Article 162, Paragraph 1, of this law may be appealed by the person against whom the measure or penalty of imprisonment was pronounced within 3 days from the date of communication of the decision.

The appeal shall not stay execution of the disciplinary measure unless it was filed against a decision which pronounced the disciplinary measure of guardhouse confinement and loss of rank which a soldier or cadet has acquired.

The appeal shall be ruled on by the officer immediately superior to the officer who pronounced the disciplinary measure or penalty of imprisonment.

In ruling on an appeal or an automatically evaluating the correctness of a decision, the superior officer may confirm, reduce or commute the disciplinary measure or penalty of imprisonment imposed, or may nullify the decision.

No appeal may be filed, nor administrative dispute conducted against the officer's decision in the second instance, nor against a decision in the first instance against which an appeal is not allowed, unless the penalty of imprisonment referred to in Article 162, Paragraph 1, of this law has been pronounced.

#### Article 181

As an exception to the provision of Article 180, Paragraph 2, of this law, an officer holding the position of company commander or higher position may order that a soldier or soldier in the reserves against whom a disciplinary measure of guardhouse confinement has been pronounced and who has been seriously offending order in the military unit or military institution shall begin to serve that sentence before the competent officer rules on an appeal against the measure pronounced.



Jurisdiction and Procedure for Hearing Cases Concerning Accountability for Disciplinary Offenses

Article 182

Military disciplinary courts shall have jurisdiction to try cases of disciplinary offenses. These courts shall also hear cases concerning the accountability of noncommissioned officers, commissioned officers and military employees for the offenses enumerated in Article 162, Paragraph 2, of this law.

The military disciplinary courts are as follows:

- 1) military disciplinary courts in the first instance;
- 2) the Superior Military Disciplinary Court.

Article 183

Military disciplinary courts in the first instance shall try cases in the first instance of disciplinary offenses of active military personnel and reserve noncommissioned officers, commissioned officers and military employees committed during their service in the Armed Forces.

The Superior Military Disciplinary Court shall rule on appeals against decisions of military disciplinary courts in the first instance.

Article 184

Military disciplinary courts in the first instance shall be created in individual military units and military institutions.

The Superior Military Disciplinary Court shall be a component of the Federal Secretariat for National Defense.

Article 185

Military disciplinary courts shall consist of a president, the necessary number of judges and a secretary.

The secretary of the court shall aid the president of the court or president of the panel in preparing and conducting a hearing and shall perform other technical tasks as assigned him by the president of the court. The secretary of the court must be a law school graduate.

There shall be a military disciplinary prosecutor and the necessary number of his deputies associated with the military disciplinary court.

Article 186

The president, judges, military disciplinary prosecutor and his deputies and the secretary of the court shall be appointed as follows:

1) by the federal secretary--for military disciplinary courts in the first instance which are components of units and institutions of the YPA and for the Superior Military Disciplinary Court;

2) the territorial defense commander of the republic or territorial defense commander of the autonomous province--for military disciplinary courts in the first instance in territorial defense.

Presidents of courts, judges, prosecutors and deputy prosecutors shall be appointed to a term of 2 years.

#### Article 187

Military disciplinary courts shall sit in a panel of three judges, one of whom shall be the president of the panel.

Military disciplinary courts shall render decisions in the form of a verdict or decision.

#### Article 188

Proceedings for trying a disciplinary offense shall be instituted by a decision to conduct an inquiry by an officer in the YPA holding the position of regimental commander or equal or higher position, and in territorial defense by the author designated by the regulation referred to in Article 210, Paragraph 1, of this law.

Depending on the results of the completed inquiry, the officer who instituted proceedings may halt proceedings, pronounce a disciplinary measure against the offender or turn the case over to the officer competent to bring the perpetrator of the disciplinary offense before a military disciplinary court.

Any superior officer to the officer who instituted proceedings shall also have the authority stated in Paragraph 2 of this article.

#### Article 189

In the YPA the commander of an army or officer in equivalent or higher position and the officer of another military unit designated in the regulation referred to in Article 210 of this law, and in territorial defense the territorial defense commander of the republic or territorial defense commander of the autonomous province shall be competent to bring the perpetrator of a disciplinary offense before a military disciplinary court.

#### Article 190

If the officer competent to bring an offender before a military disciplinary court finds that a disciplinary offense has been committed, he shall issue a decision whereby the offender shall be brought before the military disciplinary court, and he shall deliver that decision and case record to the competent military disciplinary prosecutor for the purpose of filing a charge before the military disciplinary court.

#### Article 191

The accused may have a defender in a trial before a military disciplinary court.

The defender of the accused may be a lawyer or noncommissioned officer, commissioned officer or military employee.

If a military secret could be divulged during proceedings, the president of the panel may decide that the defender must be an active serviceman.

At the request of the accused, the president of the panel shall appoint as defender a person who is a law school graduate if in view of the gravity of the offense or the state of the facts he finds that such defense is necessary or if he judges that the accused is unable to defend himself.

#### Article 192

An appeal against the decision of a military disciplinary court in the first instance may be filed with the Superior Military Disciplinary Court within 8 days from the date of delivery of the decision.

The military disciplinary prosecutor, the accused and his defender may file an appeal unless the accused explicitly opposes.

An appeal shall postpone execution of the verdict.

The Superior Military Disciplinary Court shall issue rulings on appeals in a session of a panel.

#### Article 193

No administrative dispute may be conducted against a verdict of the Superior Military Disciplinary Court pronouncing the disciplinary penalty of delay of promotion, reduction of personal income, demotion to a T/O position of lower rank or lower level of specialized training or removal from the duty of a military officer and prohibition of reappointment or reassignment to that duty.

#### Article 194

The competent military officer shall order execution of penalties for disciplinary offenses (Article 210, Paragraph 1).

#### Article 195

Unless this law provides otherwise, proceedings for disciplinary offenses shall be conducted pursuant to the provisions of the federal law regulating criminal procedure.

## Honor Courts

### Article 196

Reserve noncommissioned officers, commissioned officers and military employees shall be accountable before honor courts for offenses committed outside military services damaging to the prestige or flagrantly neglecting the duty of the reserve noncommissioned officer, officer or military employee.

### Article 197

The offenses referred to in Article 196 of this law shall specifically include the following:

- 1) commission of a crime out of dishonorable motives for which the reserve noncommissioned officer, commissioned officer or military employee is sentenced under a final verdict to a penalty which does not entail loss of rank or class;
- 2) an act of expression against our socialist and self-management system, against the brotherhood and equality of the nationalities and ethnic minorities and the unity of the country, and also against political, economic and military measures of government and other bodies which could adversely influence nationwide defense;
- 3) serious violation of work duties or other violation of work discipline for which the disciplinary measure of termination of employment has been pronounced;
- 4) serious violation of public morality;
- 5) flight from the country or continuation of sojourn abroad without permission of the competent authority;
- 6) flagrant neglect of duties and obligations of reserve noncommissioned officers, commissioned officers and military employees as prescribed by law.

### Article 198

Honor courts may pronounce against perpetrators of offenses the disciplinary measures of reprimand and severe reprimand and the punishment of postponement of promotion of not less than 1 and not more than 5 years and loss of rank or class.

The penalty of loss of rank or class may be pronounced only if the offense committed seriously injures the prestige of a noncommissioned officer, commissioned officer or military employee, and the circumstances under which the offense was committed or the personal attributes of the perpetrator displayed in committing the offense indicate that the offender is unworthy of the rank or class.

#### Article 199

Honor courts are as follows:

- 1) honor courts in the first instance;
- 2) the superior honor court.

The establishment, abolishment, jurisdiction and seats of the honor courts shall be defined by the regulation of the republic or autonomous province (Article 210, Paragraph 2).

#### Article 200

The honor court in the first instance in whose jurisdiction the reserve non-commissioned officer, commissioned officer or military employee resides at the time he is brought before the honor court shall have jurisdiction to try the case.

If reserve noncommissioned officers, commissioned officers or military employees residing in the jurisdiction of two or more honor courts in the first instance participated in committing the offense as coparticipants, the court which first instituted proceedings shall have jurisdiction to try the case.

#### Article 201

The superior honor court shall be competent as follows:

- 1) to rule on appeals against decisions of honor courts in the first instance, on a request for protection of legality and on a request for extraordinary reduction of penalty;
- 2) to decide conflicts of jurisdiction between honor courts in the first instance;
- 3) and also to perform other tasks placed in the jurisdiction of the superior honor court by law and regulations enacted on the basis of law.

#### Article 202

An honor court shall consist of a president, deputy president and the necessary number of judges.

There shall be a prosecutor and the necessary number of deputies associated with honor courts. The positions of president of an honor court, deputy president, judges, prosecutor and deputy prosecutor shall be honorary and shall be for a term of 2 years. They shall be appointed by the body designated by the regulation of the republic or autonomous province.

#### Article 203

Courts of honor shall try cases in panels. One member of the panel may be an active serviceman, and the other members of the panel reserve noncommissioned officers, commissioned officers or military employees.

One member of the panel must be a law school graduate.

Courts of honor shall issue decisions in the form of a verdict or decision.

#### Article 204

Throughout the course of proceedings an accused may have a defender whom he chooses himself.

If a trial before an honor court is being held in the absence of the accused because the accused has fled or is not accessible to government authorities, the honor court shall automatically appoint the accused's defender. The court of honor may also automatically designate a defender when it feels that the accused needs a defender, but the accused has not engaged a defender.

#### Article 205

An appeal against a decision of an honor court in the first instance may be filed with the superior honor court within a period of 8 days from the date of delivery of the decision.

The appeal may be filed by the prosecutor, accused and his defender unless the accused explicitly opposes.

The appeal shall stay execution of the verdict.

No administrative dispute may be instituted against a verdict of the superior honor court.

#### Article 206

The final verdict of an honor court pronouncing the penalty of loss of rank or class against a reserve noncommissioned officer, commissioned officer or military employee shall become enforceable upon approval by the State Presidency of the Socialist Federal Republic of Yugoslavia or officer whom it designates.

#### Article 207

The State Presidency of the Socialist Federal Republic of Yugoslavia may upon petition or proposal pardon or reduce the disciplinary penalty or measure pronounced against a reserve noncommissioned officer, commissioned officer or military employee.

#### Article 208

The statutes of limitations for instituting and conducting proceedings for a disciplinary offense (Article 165) and also for execution of penalties for such offenses (Article 166) shall also apply to offenses of reserve noncommissioned officers, commissioned officers and military employees.

#### Article 209

Unless this law provides otherwise, proceedings before honor courts shall be conducted according to the provisions of the federal law regulating criminal procedure.

#### Enactment of Regulations

#### Article 210

The State Presidency of the Socialist Federal Republic of Yugoslavia shall issue regulations on procedure and jurisdiction for hearing cases of disciplinary violations, on pronouncement of disciplinary measures and penalties, on their execution and on the recordkeeping and organization, makeup and work of military disciplinary courts.

The authorities which are to institute and conduct proceedings and the more detailed organization, makeup and work of honor courts for reserve noncommissioned officers, commissioned officers and military employees shall be designated in conformity with the regulations of the republic or autonomous province.

### 3. Accountability for Misdemeanors

#### Article 211

Military personnel shall be accountable for misdemeanors under general regulations on misdemeanors, unless this law provides otherwise.

#### Article 212

A serviceman who has committed a misdemeanor in a place which is under the control of military authorities shall be accountable under the provisions of this law concerning disciplinary accountability.

#### Article 213

If the conditions have been met as prescribed by law for detaining and apprehending a person, a serviceman shall be detained or apprehended by the nearest military command.

As an exception to the provision of Paragraph 1 of this article, in urgent cases, if the military command is remote, a serviceman may also be detained or apprehended by another authorized body, which shall immediately turn the serviceman over to the nearest military unit or military institution.

#### Article 214

The authority competent to conduct proceedings against a serviceman shall notify the military unit or military institution to which he belongs of the institution of misdemeanor proceedings against him.

If the body competent to conduct misdemeanor proceedings finds that a penalty of imprisonment ought to be pronounced against a serviceman for a misdemeanor committed as a serviceman, it shall turn the case over to the officer of the military unit or military institution to which that serviceman belongs.

If in the case referred to in Paragraph 2 of this article the misdemeanor has been committed by a soldier, soldier in the reserves or cadet, the misdemeanor shall be ruled on by the superior officer who under regulations on disciplinary accountability a serviceman is authorized to pronounce any disciplinary measure. If the misdemeanor was committed by a noncommissioned officer, commissioned officer or military employee, the misdemeanor shall be tried by a military disciplinary court.

The superior officer and military disciplinary court shall try the misdemeanor referred to in Paragraph 2 of this article under regulations on the disciplinary accountability of military personnel.

#### Article 215

A sentence of imprisonment pronounced for a misdemeanor which a convicted person committed before entering the Armed Forces shall not be served while the convicted person is doing required military service or on military exercises. If the convicted person is in active military service, the sentence of imprisonment pronounced for a misdemeanor which he committed before entering the service shall be executed by the military authority competent to execute disciplinary sentences of imprisonment.

A fine pronounced for a misdemeanor which a convicted person committed before entering the Armed Forces shall not be replaced by the penalty of imprisonment and shall not be executed so long as the accused person is doing required military service or on military exercises.

A fine pronounced for a misdemeanor against an active serviceman shall not be replaced by the penalty of imprisonment, but shall be forcibly collected unless the active serviceman pays the fine within the period designated by the final decision concerning the misdemeanor.

Sentences pronounced under a final verdict against soldiers and persons in the reserves for misdemeanors committed during service in the Armed Forces may not be executed while they are serving in the Armed Forces except for disciplinary measures or penalties pronounced by the competent military authority (Article 214, Paragraph 3).



#### 4. Accountability for Economic Offenses

##### Article 216

An active serviceman who in the status of the person responsible in a military unit or military institution commits an economic violation shall be accountable for that violation under the provisions of this law concerning accountability for disciplinary offenses.

For an economic offense as referred to in Paragraph 1 of this article a military disciplinary court may pronounce against an active serviceman any of the disciplinary penalties prescribed by this law for disciplinary offenses.

For an economic offense as referred to in Paragraph 1 of this article a military disciplinary court may pronounce against an active serviceman any of the disciplinary penalties prescribed by this law for disciplinary offenses or the fine prescribed for the economic offense which that person has committed.

#### 5. Material Liability

##### General Provisions

##### Article 217

A serviceman serving in the YPA is required to reimburse the loss which in performance of service he inflicted on the Federation intentionally or out of extreme carelessness.

Military personnel who have caused damage related to performance of service in territorial defense shall be accountable under regulations governing their material accountability in the republic or autonomous province.

##### Article 218

The sociopolitical community or organization of associated labor shall be accountable for damage which a military person has inflicted on a third party in performance of service unless it is proven that under the given circumstances the military person acted as was required, as follows:

- 1) the Federation--if the damage was committed by a serviceman in the YPA;
- 2) the republic, autonomous province, opstina or other sociopolitical community or organization of associated labor which organized the exercises or other training of members of territorial defense--if the damage was committed by a military personnel belonging to territorial defense.

The Federation, other sociopolitical community and organization of associated labor shall be liable for other damage committed in connection with the performance of military service under the general enactments on reimbursement of loss.

The Federation has the right to seek recovery from a military person of the amount paid to third parties in the context of Paragraph 1 of this article only if the damage was committed intentionally or out of extreme carelessness. The Federation's right to recover that compensation from the military personnel shall be subject to a statute of limitations when 6 months have passed from the date of payment.

Under the conditions stated in Paragraph 3 of this article the Federation has the right to require a military personnel to reimburse future amounts which the Federation is required to pay periodically on the basis of a final court order.

#### Article 219

The competent court shall hear the complaint of an injured party requesting that a sociopolitical community or organization of associated labor reimburse his loss.

Before filing a complaint against the Federation, the injured party is required to file a claim for uncontested settlement with the YPA Military Solicitor General or other competent military solicitor general.

If the claim is not honored in the full or if no decision is made on it within 3 months of its filing date, the injured party may file a complaint with the competent court.

#### Article 220

The military solicitor is required to notify the person to whom responsibility for the damage is attributed of the claim that has been filed and of institution of a dispute against the Federation by the injured party for compensation of loss.

In proceedings which competent military officers conduct in order to submit a claim to the Federation for recovery of an amount paid to third parties the provisions of Article 230 of this law shall apply.

#### Principles of Accountability of Military Personnel in the YPA

#### Article 221

For the purpose of this law "damage inflicted upon the Federation" (Article 217, Paragraph 1) refers to damage which military personnel, except personnel assigned to other federal agencies and federal organizations, commit through their own fault in connection with performance of service involving military property or other socially owned property managed by agencies of the Federation which do not have the status of a juridical person.

#### Article 222

Military personnel shall be accountable only for ordinary damages, unless they committed the damage intentionally.

#### Article 223

The amount of the loss shall be ascertained according to the market value of the property destroyed or missing at the time when the loss occurred, less the diminished value because of the property's ordinary use. The amount of the loss ascertained in this way shall be reduced by the salvage value if the loss occurred through destruction of the property.

The amount of damage of property repaired shall consist of the costs of the repair and the loss of value resulting from the damage.

#### Article 224

If the damage was inflicted through the participation of several military personnel, each person shall be accountable for the portion of the damage which he caused.

If the portion of damage caused by the individual perpetrator cannot be ascertained, it shall be assumed that they are equally accountable and they shall reimburse the damage in equal parts.

If damage has been committed by several military personnel through a crime committed with intent, the perpetrator shall be jointly and severally liable for the damage.

#### Article 225

Accountants and supervisors shall be accountable for damage to property entrusted to their safekeeping unless they prove that the damage was committed by another person or that the damage occurred accidentally or because of force majeure.

#### Article 226

The commanding military officer shall decide on compensation of damage which a military person has inflicted on the Federation in connection with performance of service, and such cases as designated by this law shall be tried by a military court.

The military court shall have jurisdiction to decide on a claim of the Federation for recovery of an amount paid to third parties in the context of Article 218, Paragraph 1, Subparagraph 1, of this law.

As an exception to the provision of Paragraph 1 of this article, if in addition to a military person or civilian employed in the YPA a person is also accountable for damage who is not serving in the YPA, a court of general jurisdiction shall decide on the damage.

## Proceedings for Compensation of Damage Within the YPA

### Article 227

The provisions of the federal law governing general administrative proceedings shall apply in proceedings for compensation of damage conducted by commanding military officers unless this law provides otherwise.

### Article 228

The commanding officer who has jurisdiction to decide on damage shall decide on compensation of damage in a decision.

A decision in the first instance requiring several persons to reimburse damage which they have jointly caused may be modified in response to an appeal to the appellant's detriment and to the detriment of other persons required to compensate damage under that decision even if they have not appealed.

The decision in the first instance may be quashed upon appeal even insofar as it pertains to other persons obligated under the same decision although they have not appealed.

A decision in the first instance may be quashed upon appeal and a new decision may make a person not obligated under the decision in the first instance partially or entirely obligated for compensation of the damage.

In the case referred to in Paragraph 3 of this article the persons responsible may be obligated in the new decision for a larger amount of compensation than the amounts to which they were obligated by the decision quashed.

### Article 229

A military person who in an appeal decision or decision in the first instance which did not allow an appeal has been obligated to reimburse damage may file an objection that he does not wish to compensate the damage entirely or in part as obligated under that decision without the decision of a military court.

The objection shall be filed with the authority which issued the decision in the first instance on compensation of damage within 30 days from the date of delivery of the decision referred to in Paragraph 1 of this article.

A decision against which an objection has been filed as referred to in Paragraph 1 of this article may not be executed in that portion to which the objection applies.

An objection which is tardy, which is not allowed or which has been filed by an unauthorized person shall be rejected by decision of the body with which the objection was filed. An administrative dispute may be conducted against a final decision rejecting an objection.

If an objection has been filed pursuant to Paragraph 1 of this article, the case shall be turned over to the military solicitor, who if he finds that there is foundation, shall file suit before a military court.

#### Article 230

A military person liable for damage may on warranted grounds be partially or entirely relieved of the obligation to reimburse the damage unless the damage was caused intentionally.

It shall be assumed that warranted grounds exist in the sense of Paragraph 1 of this article if the damage occurred in performance of military training or exercises, because of considerable efforts in the performance of service, because of a placement of property which did not correspond to the prescribed conditions or under circumstances in which it would have been difficult to avoid the damage.

A decision to relieve of the obligation of compensation of damage may be issued only in proceedings conducted before commanding military officers.

#### Article 231

The federal secretary and the military officers whom he authorizes shall be competent to decide on damage. The competency of military officers to decide on damage shall be defined in conformity with their authority to manage, use and dispose of resources of the YPA under the regulations governing the handling of physical and financial resources within the YPA.

#### Article 232

If damages have not been collected in a period of 5 years from the date when collection began, further collection may be abandoned. Collection of damages may also be abandoned when collection did not begin and 10 years have passed from the date when the decision on compensation of damages became final.

The decision to abandon collection of damages shall be made by the federal secretary or officer whom he authorizes.

The provisions of Paragraphs 1 and 2 of this article shall also apply to recovery of amounts paid to third parties in the context of Article 218, Paragraph 1, Subparagraph 1, of this law under a final order of a competent military court.

#### Article 233

The federal secretary shall decide the jurisdiction of the officers referred to in Article 231 of this law and the procedure of commanding military officers in ascertaining the amount of damage and accountability for damage.

## 6. Protective Measures

### Article 234

The protective measures defined by this law may be pronounced against a military pilot, aviation technicians who work on aircraft, military parachutist, military diver, military personnel in the navy and maritime technical personnel performing duties on a ship or other vessel, the driver of a military vehicle, and any other military person working on jobs hazardous to life or property or harmful to health who violates the rules of the service he is performing and in that way threatens the safety of people or property.

### Article 235

Protective measures are as follows:

- 1) prohibition against independent performance of the particular duty for a period not to exceed 6 months;
- 2) prohibition against performance of a particular duty for a period not to exceed 6 months;
- 3) assignment to another duty for a period not to exceed 1 year (transfer to a lower class of aircraft, disembarkation from the vessel, transfer to a lower category of work, transfer to another job in which service is now performed under the conditions referred to in Article 234 of this law, and so on);
- 4) temporary suspension of driver's license.

### Article 236

During the period of the protective measure of prohibition against independent performance of a particular duty the military person may perform the duty to which he has been assigned only under direct supervision of the competent superior officer.

During the period of the protective measure of prohibition against performance of a particular duty the military personnel shall perform the tasks assigned him by the superior officer.

During the period of the protective measure of assignment to another duty the military personnel shall perform the duty to which he has been assigned.

During the period of a protective measure a military personnel shall undergo technical training for the duty held before the protective measure was pronounced.

#### Article 237

A military personnel against whom a protective measure of prohibition against performance of a particular duty or assignment to another duty shall be entitled to the rights related to the jobs or duty performed.

#### Article 238

The protective measure of suspension of driver's license shall be pronounced against a military personnel under the conditions under which a driver's license is suspended pursuant to the law regulating highway traffic safety if traffic is controlled by the competent military authority.

#### Article 239

In proceedings for pronouncement of protective measures, for their commutation and reduction, and for the statute of limitation concerning adoption of such measures, and also in appeal proceedings, the provisions of this law on accountability for disciplinary errors shall be appropriately applied except that an administrative dispute may be instituted before the Supreme Military Court within 30 days from the date of delivery of a decision in the second instance or decision in the first instance against which an appeal may not be filed when such decision has pronounced a protective measure.

If he finds that the grounds on which the protective measure referred to in Article 235, Subparagraphs 1 through 3, of this law was pronounced no longer obtain, the competent officer may discontinue further enforcement of the protective measure.

#### Article 240

The federal secretary is hereby authorized to issue regulations on the protective measures which may be pronounced against a military person in view of the duty which he performs and shall designate those officers of units and institutions in the YPA who may pronounce protective measures.

Protective measures shall be pronounced in territorial defense in conformity with legislation of the republic or autonomous province.

#### 7. Accountability in Wartime

#### Article 241

The accountability of military personnel for violations of military discipline in wartime shall be heard in the most urgent possible way, regardless of the periods of time prescribed by the provisions of this law.

As a rule in wartime disciplinary measures or disciplinary punishments shall not be pronounced whose execution is not purposive or possible in view of the conditions and circumstances under which they must be carried out.

The State Presidency of the Socialist Federal Republic of Yugoslavia may prescribe other disciplinary measures or disciplinary penalties which may be pronounced in wartime against military personnel or may provide that certain of the disciplinary measures or disciplinary penalties prescribed by this law shall not be applied; and it may also prescribe different procedure and competence for deciding the accountability of military personnel because of a violation of military discipline and a different organization and procedure of military disciplinary courts.

#### Article 242

The provisions of this law concerning the accountability of military personnel for misdemeanors (Articles 211 through 215) and for economic offenses (Article 216) shall not apply in wartime.

The misdemeanors or economic offenses which military personnel commit in wartime shall be heard in accordance with the regulations governing disciplinary accountability of military personnel in wartime.

#### Article 243

The provisions of this law on financial liability of military personnel (Articles 217 through 233) shall not apply in wartime.

The liability of military personnel for damage they cause intentionally in connection with performance of service in wartime shall be heard in the same manner as a breach of military discipline, pursuant to the regulations governing disciplinary accountability of military personnel in wartime. In disciplinary proceedings a military person may also be obliged to reimburse that damage.

Military personnel may be liable for damage committed out of extreme carelessness in wartime only if the circumstances under which the damage was caused, the type and purpose of the property to which the damage was caused, the amount of damage incurred or the personal attributes of the perpetrator require that the offender's accountability be heard in disciplinary proceedings.

Accountants and supervisors responsible for physical property shall be accountable under the provisions of Paragraph 2 of this article for damage incurred in wartime by property entrusted to their safekeeping.

Officers who under the regulations governing disciplinary accountability of military personnel in wartime are empowered to reduce, mitigate or pardon disciplinary penalties may in wartime entirely or partially relieve the perpetrator of the damage of the obligation of reimbursing the damage or excuse him from the obligation to reimburse damages under the provisions of Paragraph 2 or Paragraph 4 of this article.



## Title IX. Loss of Rank and Class

### Article 244

A serviceman or person in the reserves shall lose rank or class as follows:

- 1) if his citizenship in the Socialist Federal Republic of Yugoslavia ceases;
- 2) if he has been punished by loss of rank or class in a disciplinary penalty or verdict of an honor court;
- 3) if he has been sentenced to imprisonment longer than 3 years by a final verdict.

A person who has lost rank or class shall relinquish all rights related to the rank or class.

As an exception to the provision of Paragraph 2 of this article, the beneficiary of money compensation (Article 402) who loses rank or class under Paragraph 1, Subparagraphs 2 and 3, of this law shall not relinquish the right to that compensation.

### Article 245

Rank or class may be restored to a person who has lost rank or class on the basis of the provisions of Article 244, Paragraph 1, Subparagraphs 2 and 3, of this law if by particular effort he proves that he deserves it and the offense for which he lost rank or class was not committed out of a dishonorable motive.

Restoration of rank or class under the provision of Paragraph 1 of this article shall be decided by the following:

- 1) by the State Presidency of the Socialist Federal Republic of Yugoslavia--if the rank of a commissioned officer is being restored;
- 2) by the federal secretary--if the rank of a noncommissioned officer or class of a military employee is being restored.

In wartime the commanding officer competent for promotion may restore rank or class to a person who has lost rank or class for bravery displayed or for other services in wartime.

## Article 246

If in a case of loss of rank or class on the basis of Article 244, Paragraph 1, Subparagraphs 2 and 3, of this law when proceedings are renewed they are either halted by a request for protection of legality or a verdict of acquittal is rendered, or the charge is rejected, but not because of the court's lack of jurisdiction, or a penalty is imposed that is less severe than the penalty referred to in Article 244, Paragraph 1, Subparagraphs 2 and 3, of this law, it shall be as though the rank or class had not been lost.

If the penalty of a person who has lost rank or class on the basis of Article 244, Paragraph 1, Subparagraphs 2 and 3, of this law has by a decision on extraordinary reduction of penalty been reduced to a penalty less than the penalties enumerated in those provisions, the rank or class shall be restored to him at his request.

The request referred to in Paragraph 2 of this article may be filed within 3 months from the date when the delivery on extraordinary reduction of penalty was delivered.

## Article 247

A person to whom rank or class has been restored under Article 245 and Article 246, Paragraph 2, of this law may be accepted into active military service under the provisions of Articles 19 through 32 of this law.

## Part Two. Service in the Yugoslav People's Army

### Title 10. Service Status of Active Military Personnel

## Article 248

An active serviceman may during service be on duty status, in a trainee program, in school, in medical treatment or on sick leave, in waiting status, or relieved of duty.

### 1. Appointment to a Duty

## Article 249

Active military personnel shall be assigned to military units and military institutions and shall be placed in appropriate duties or T/O jobs according to the needs of the service.

## Article 250

As a rule T/O positions designated for commissioned officers may be filled only by commissioned officers, T/O positions designated for military employees only by military employees, and T/O positions designated for noncommissioned officers only by noncommissioned officers.

#### Article 251

An active serviceman shall be appointed to a T/O position in the arm or service to which he belongs and the rating accorded him according to the type and level of specialized training.

An active serviceman appointed to a T/O position for which the table of organization envisages general military rating shall be assumed to have been assigned to a T/O position in his rating.

An active noncommissioned officer or commissioned officer shall as a rule be appointed to a T/O position of his rank, and an active military personnel to a T/O position requiring the specialized training which he possesses.

#### Article 252

An active serviceman who distinguishes himself with his specialized training or ability to command and direct may be appointed to a T/O position of higher rank or to a T/O position requiring a higher level of specialized training.

An active serviceman appointed under the provision of Paragraph 1 of this article may be removed from the T/O position to which he has been appointed if it is judged that he has not performed satisfactorily in the duty. The regulation referred to in Article 300 of this law shall define when it shall be regarded that an active serviceman has not performed satisfactorily in a duty.

#### Article 253

An active serviceman serving abroad shall be regarded as having been appointed to a duty.

#### List of Candidates

#### Article 254

Lists of candidates shall be drawn up for appointment of active commissioned officers to T/O positions of higher rank (Article 252, Paragraph 1) or to positions for which the table of organization requires a spread of rank if the rank of captain first class or higher rank up to the rank of major general has been designated for those positions.

#### Article 255

The list of candidates shall be established by arms and services by the army commander or commanding officer of the same rank and the commanding officer of another military unit designated by the federal secretary.

The list of candidates shall be established upon recommendation of a commission established by the officer referred to in Paragraph 1 of this article.

The federal secretary shall determine which lists of candidates shall be established for the Federal Secretariat for National Defense as a whole on the basis of the list of candidates referred to in Paragraph 1 of this article.

#### Article 256

The list of candidates for appointment to positions for which the table of organization envisages the rank of major general shall be established by the federal secretary on the recommendation of the Military Council.

#### Article 257

In establishing the list of candidates referred to in Article 254 of this law and in the selection of candidates from the list for appointment to the relevant T/O position consideration shall be given to service evaluations and performance, moral and political attributes and other attributes and success in the work of the active serviceman, time spent in commands or relevant duties, his personal inclinations and fitness for the particular duty, specialized training, years spent in the rank, success achieved in schooling or in the examination for the rank for which such an examination has been prescribed, and physical fitness for performance of the particular duty.

In establishing the list of candidates and selection for appointment consideration shall also be given to the most proportionate possible representation of the republics and autonomous provinces and also the nationalities and ethnic minorities of Yugoslavia in the officer corps in senior command and administrative positions.

#### Announcement of Vacant T/O Positions

#### Article 258

Active military personnel may be appointed to certain T/O positions in certain military institutions through announcement of vacant T/O positions.

The federal secretary or officer designated by the regulation referred to in Article 300 of this law shall decide on announcement of vacant T/O positions referred to in Paragraph 1 of this article and the method of announcement to be used.

#### Article 259

The announcement of a vacant T/O position shall state the deadline for submitting applications for appointment and the conditions which the candidate must meet for the work in the T/O position whose vacancy is being announced.

#### Article 260

The commanding officer with the power of assignment shall select the candidate for assignment to the T/O position whose vacancy has been announced on the recommendation of a commission appointed by that officer.

Selection of a candidate to a position whose vacancy has been announced shall require consent of the officer with power to appoint to the T/O position the candidate holds. If agreement cannot be reached between the latter officer and the officer referred to in Paragraph 1 of this article, the officer immediately superior to them both shall make the decision on the selection.

Appointment Within Another Arm or Service or to a T/O Position in Another Rating

#### Article 261

As an exception to the provision of Article 251, Paragraph 1, of this law, an active serviceman who following elimination of the organizational unit or its T/O position or because of limited fitness for field service or for the duty he has been performing cannot be appointed to another T/O position within the arm or service to which he belongs and who cannot be sent for retraining may be appointed to a T/O position within another arm or service if there is a vacant T/O position in the other arm or service.

The officer with the power of assignment is required each year, during the regular transfer period, to examine the reasons why an active serviceman was assigned to another arm or service, and if such reasons have ceased, shall assign him to a T/O position in the arm or service to which he belongs, but if the reasons for the assignment have not ceased, he shall recommend him for retraining or for transfer on the basis of specialized training acquired through practical work.

#### Article 262

An active serviceman may as an exception be assigned to a T/O position in another rating if the needs of the service require that that T/O position be filled before the T/O position which corresponds to the rating of the person being assigned.

The officer with the power to assign is required each year, during the regular assignment period, to examine the grounds on which an active serviceman was assigned to the T/O position of another rating, and if those grounds have ceased, to assign him to a T/O position in his rating.

#### Article 263

An officer in an arm who has a rating determined on the basis of graduation from the National Defense School or command-staff academy or equivalent school may be appointed to a T/O position of corresponding rank and rating in another arm if the needs of the service so require.

Appointment to a T/O Position of Lower Rank

#### Article 264

An active serviceman may be assigned to a T/O position of immediately lower rank or immediately lower level of specialized training:

- 1) to meet a need of the service;
- 2) because of an unfavorable evaluation.

An active serviceman shall be appointed to a T/O position of immediately lower rank or immediately lower level of specialized training when a military disciplinary court has pronounced such punishment.

A person assigned under Paragraph 1, Subparagraph 1, of this article shall retain the rights of his rank or class.

A person assigned under Paragraph 1, Subparagraph 2, and under Paragraph 2 of this article shall have the rights associated with the T/O position to which he has been assigned.

A person assigned under Paragraph 1, Subparagraph 1, of this article may not remain continuously in that position longer than 3 years.

#### Article 265

An active serviceman shall be appointed to a T/O position of immediately lower rank or immediately lower level of specialized training to meet a need of the service in the following cases:

- 1) upon elimination of the T/O position or when the immediately lower rank or immediately lower level of specialized training is set for the T/O position to which he has been assigned if there is no vacant T/O position of the corresponding rank or level of specialized training to which he could be assigned or if the needs of the service do not allow that he be transferred immediately to another military unit or military institution;
- 2) when he has been promoted to a higher rank and there is no vacant position for which the table of organization envisages that rank;
- 3) when he acquires the level of appropriate specialized training higher than the level of specialized training designated for the T/O position to which he has been assigned if no T/O position corresponding to the level of specialized training he has acquired is vacant;
- 4) if he has been transferred upon petition to another garrison in which there is no vacant T/O position of the corresponding rank or level of appropriate specialized training, but there is a vacant T/O position of immediately lower rank or immediately lower level of specialized training, if he has consented to that assignment;
- 5) if certain T/O positions cannot be filled otherwise, and the needs of the service require that those positions be filled without delay;
- 6) when he has been removed from a duty and there is no opportunity for his assignment to a T/O position of his rank or class.

#### Article 266

The officer with the power to assign shall be required every year during the regular appointment period to examine the reasons why an active serviceman was assigned to the T/O position of immediately lower rank or immediately lower level of specialized training, and if those reasons no longer exist, he shall assign him to a T/O position of appropriate rank or level of specialized training.

#### Alternative Assignment

#### Article 267

As an exception to Article 250 of this law, if certain T/O position within the arm or service cannot be filled with the category of active military personnel stated in the table of organization because of a shortage of such persons, but the places urgently need to be filled, active military personnel of other categories in the same arm or service shall be assigned to those positions or cadets of schools for reserve officers may be temporarily assigned to those positions during their training program or soldiers may be appointed who have completed training and who have rank.

An active serviceman who after elimination of the organizational unit or a T/O position within it cannot be assigned to an appropriate T/O position may be assigned to the job of a civilian employed in the YPA requiring the same degree of specialized training possessed by the active serviceman if such a vacant position exists.

The officer with the power to assign shall be required every year during the regular assignment period to examine the grounds on which an officer was appointed to the position of a military employee or civilian employed in the YPA, and if those reasons have ceased to exist, shall appoint him to a T/O position of corresponding rank in the arm or service to which he belongs.

#### Article 268

If certain T/O positions within a service cannot be filled with the category of active military personnel designated in the table of organization because of a shortage of such personnel and even in the manner defined in Article 267 of this law, civilians employed in the YPA who have the appropriate specialized training may as an exception be assigned to such positions if they grant their consent to such assignment.

The T/O positions referred to in Paragraph 1 of this article shall be filled with prior consent of the federal secretary or officer designated in the regulation referred to in Article 300 of this law.

## Acting Assignee

### Article 269

An active serviceman may to meet a need of the service be designated an acting assignee to a T/O position of higher rank or higher level of specialized training. An active serviceman may not spend longer than 2 years in a position as acting assignee.

## Replacement

### Article 270

A replacement shall be designated for an officer temporarily unable to perform a duty.

The replacement may also be assigned to a vacant T/O position temporarily. The replacement may perform the duty in addition to his regular duty. The replacement may not last longer than 6 months, or 1 year by order of the commanding officer two levels higher in the command.

## Temporary Assignment

### Article 271

An active serviceman may be temporarily assigned to work in another military unit or military institution at the same or a different station for the purpose of replacement or to meet other needs of the service. Detachment for the purpose of replacement may not last longer than 1 year in the course of 5 years, and for other reasons may not last longer than 6 months within a period of 2 years.

## Transfers

### Article 272

Transfers of active military personnel, including requested transfers, and assignment of cadets upon completion of schooling shall be done to meet the needs of the service, but within the limits of the positions designated in the table of organization.

The personnel referred to in Paragraph 1 of this article shall as a rule be transferred and assigned once a year during a period designated by the federal secretary (regular transfer period).

The active military personnel referred to in Paragraph 1 of this article may also be transferred and assigned before or after the regular transfer period, as follows:

- 1) because of assignment of cadets or students of military schools after completion of schooling or to fill vacant T/O positions which have been left



vacant when certain active military personnel were sent to school if schooling ends or they were sent to school before or after the regular transfer period;

2) because of the health of an active military person or members of his family on the basis of an evaluation and opinion of the competent military medical commission;

3) when required by the urgent needs of the service.

"Urgent needs of the service" as referred to in Paragraph 3, Subparagraph 3, of this article means formation of a new organizational unit or elimination of an existing organizational unit or elimination of certain T/O positions and the filling of certain newly created or newly vacant positions in an organizational unit.

For the purpose of this law "transfer" means change of an active serviceman's station because of appointment to a new duty on the basis of a document of the competent military officer if this requires a change of place of residence.

#### Article 273

An active serviceman may be transferred on request if he has spent 6 years in active military service.

After 6 years spent in active military service an active serviceman may be transferred on request if he has spent 3 years in the garrison from which he is seeking transfer.

The provisions of Paragraphs 1 and 2 of this article shall not apply to requests for transfer because of the state of health of the active serviceman or member of his family (Article 277).

#### Article 274

An active serviceman may serve 6 years in garrisons or duties in which services performed under difficult conditions, as defined by the federal secretary, but after that time he shall be transferred to another garrison or other duty.

As an exception to the provision of Paragraph 1 of this article, an active serviceman may remain in service in a garrison or duty as referred to in Paragraph 1 of this article even longer than 6 years, but no longer than 8 years, if the needs of the service so require. An active serviceman may remain longer than 8 years in service in that garrison or duty only if he so desires and if the needs of the service allow.

#### Article 275

Commands and administrative duties as designated by the State Presidency of the Socialist Federal Republic of Yugoslavia may be held by an active commissioned officer no longer than 6 years, and after that time he shall be

transferred to another duty or to the same duty in another military unit or military institution. As an exception the following may remain in the same duty in the same unit or institution even longer than 6 years if the needs of the service so require:

- 1) a commissioned officer appointed by the State Presidency of the Socialist Federal Republic of Yugoslavia--by decision of the State Presidency of the Socialist Federal Republic of Yugoslavia;
- 2) a commissioned officer appointed by another officer--by decision of the federal secretary.

#### Article 276

Before the document is issued on transfer and appointment to another T/O position the active serviceman shall be given an opportunity to state his opinion about the upcoming transfer and appointment.

#### Article 277

Active military personnel may be transferred for reasons of health if the competent military medical commission finds that a further stay at the station would be harmful because of the nature of the illness of the active serviceman or member of his family or if the station does not afford conditions for their treatment and at the place to which he is being transferred there is a possibility for his being assigned to an appropriate T/O position.

#### Article 278

During service in the YPA an active serviceman who has a family (spouse, children) may not be transferred more than six times, not including transfer because of organizational changes and changes in table of organization and changes in the stationing of military units and transfers upon request.

As an exception to the provision of Paragraph 1 of this article, an active serviceman may be transferred even more than six times--if he so consents.

#### Article 279

An active serviceman may not be transferred without his consent if within 4 years he would qualify for an old-age pension, unless he is being transferred to the place where he wishes to live after discharge from the service or the military unit or military institution in which he has been serving has been eliminated or reorganized and there is no appropriate vacant T/O position to which he might be assigned at the station.

#### Article 280

The spouse of an active serviceman transferred to meet a need of the service or for health reasons (Article 277) whose employment has terminated because of this transfer, should the spouse be unable to find employment in a corresponding job at the place where the active serviceman has been transferred, shall

retain the right to old-age and disability insurance even after termination of that employment (hereinafter "extended insurance").

For the purpose of Paragraph 1 of this article an "appropriate job" means a job whose tasks require the same level and type of specialized training which the spouse possesses or a job in which tasks are performed which correspond to the tasks of the job the spouse held before termination of employment because of the active serviceman's transfer.

The provision of Paragraph 1 of this article shall not apply to a spouse who is receiving a pension or is the beneficiary of compensation (Article 402).

#### Article 281

The contribution for extended insurance shall be paid out of the resources of the financial plan of the Federal Secretariat for National Defense to the old-age and disability insurance community which has jurisdiction.

#### Article 282

The right to extended insurance may not last longer than 4 years from the date of termination of employment. That right shall terminate even before the end of that period if the spouse of the active serviceman becomes employed or exercises the right to a pension or refuses employment in an appropriate job (Article 280, Paragraph 2) at the place to which the active serviceman has been transferred or refuses to answer an advertisement for employment in such a job or has been given an unsuspended sentence to imprisonment longer than 6 months.

The spouse of an active serviceman whose right to extended insurance has terminated because of employment for a limited period of time shall be entitled to extended insurance even after termination of that employment up to the expiration of the period of time stated in Paragraph 1 of this article.

#### Article 283

Within the limits of the money resources set aside in the financial plan of the Federal Secretariat for National Defense the federal secretary may award compensation to an active serviceman transferred to meet a need of the service because of termination of employment of his spouse resulting from that transfer. That compensation may not be greater than 70 percent of the average personal income which the spouse earned in the year preceding the year in which employment was terminated and may not last longer than 3 years from the date of termination of that employment or longer than 6 years if the active serviceman was transferred to a garrison as referred to in Article 274 of this law, but it shall cease even before expiration of that period of time in the cases referred to in Article 282 of this law.

## Assignment to Territorial Defense and Detachment to Other Agencies and Organizations

### Article 284

An active serviceman may be assigned to territorial defense or detached to another government agency, organization of associated labor or other organization or community to meet a need of the service.

The act of appointment of an active commissioned officer with the rank of major general or higher rank in territorial defense shall be issued by the State Presidency of the Socialist Federal Republic of Yugoslavia. Other active military personnel shall be assigned to territorial defense under Paragraph 1 of this article by the federal secretary or officer designated by the regulation referred to in Article 300 of this law upon recommendation of the territorial defense commander of the republic or territorial defense commander of the autonomous province to fill an appropriate T/O position. Such personnel shall be appointed by the territorial defense commander of the republic or territorial defense commander of the autonomous province.

The act of detachment of an active serviceman to another government agency, organization of associated labor or other organization or community pursuant to Paragraph 1 of this article shall be issued by the State Presidency of the Socialist Federal Republic of Yugoslavia (Article 493) or by the federal secretary or officer designated by the regulation referred to in Article 300 of this law upon recommendation of the competent government agency or body of management of an organization of associated labor or other organization or community to fill an appropriate position.

An active serviceman assigned to territorial defense or detached to another government agency, organization of associated labor or other organization or community shall exercise the same rights and discharge the same duties and responsibilities as other personnel in territorial defense or the agency, organization or community to which he has been assigned or detached unless this law or regulation enacted on the basis of this law provides otherwise.

### Appointment in the Wartime Table of Organization

### Article 285

The provisions of Articles 249 through 252 and of Articles 261 through 271 of this law shall also apply to reserve noncommissioned officers, commissioned officers and military employees assigned to the YPA with respect to appointment to positions in the wartime table of organization.

### 2. Trainee Period

### Article 286

Active commissioned officers who are physicians and law school graduates shall undergo a trainee period to acquire the experience necessary for independent performance of their activity.

Under the conditions referred to in Paragraph 1 of this article the federal secretary may also establish a trainee period for active noncommissioned officers and commissioned officers of arms and other services.

#### Article 287

The trainee period may not last longer than 2 years.

#### Article 288

It shall be assumed that during the trainee period an active noncommissioned officer or commissioned officer has been appointed to a T/O position of his rank, unless this law provides otherwise.

#### Article 289

During the trainee period active noncommissioned officers and officers shall equip themselves for independent performance of duty in accordance with the program enacted by the federal secretary or officer whom he authorizes.

### 3. Detachment To Attend School

#### Article 290

An active serviceman detached to attend school lasting more than 1 year shall be relieved of his position.

As an exception to the provision of Paragraph 1 of this article, an active serviceman may also be relieved of his position when he has been detached to attend school lasting less than 1 year if the particular needs of the service so require.

An active serviceman detached to attend school for retraining (Article 44, Paragraph 1) shall be relieved of his duty regardless of the length of schooling.

Time spent in school shall be credited to an active serviceman as time spent in active military service. During that time the active serviceman shall have the rights of his rank or class and shall be promoted under the conditions prescribed by this law.

#### Article 291

An active noncommissioned officer who has been accepted to attend school in a military academy or other school for active officers shall have all the rights and obligations prescribed for cadets while attending school. Such a person shall retain the rank of an active noncommissioned officer.

Should a noncommissioned officer as referred to in Paragraph 1 of this article be discharged from the school before completion of the course of study or if he does not complete the school, he shall be given credit for the rank which

he acquired in the school, and the time spent in school shall be credited to him for purposes of promotion.

An active noncommissioned officer who is attending school in a military academy or other school for active commissioned officers may lose his rank or service under the condition and in accordance with the procedure prescribed for active military personnel.

#### 4. Medical Treatment and Sick Leave

##### Article 292

An active serviceman who holds a position and because of illness cannot perform the tasks of the T/O position shall be relieved of duty if the illness persists and if the competent authority in the medical service envisages that the illness will last longer than 6 months.

The service status of an active serviceman who is in his trainee period or is attending school shall also be regulated under the conditions referred to in Paragraph 1 of this article.

An active serviceman discharged from duty under Paragraphs 1 and 2 of this article shall be entitled to the rights of his rank or class during that time and shall be promoted under the conditions prescribed by this law.

#### 5. Waiting Status

##### Article 293

An active serviceman shall be placed on waiting status:

- 1) if after elimination of an organizational unit or of a T/O position within it or because of other changes in organization and the table of organization he cannot be appointed to another T/O position;
- 2) if it is judged that he has limited fitness for field service or for the duty which he performs and he cannot be appointed to an appropriate duty;
- 3) if it is judged that he has not performed satisfactorily in the duty and he cannot be assigned to another duty.

An active serviceman placed on waiting status shall retain the rights of his rank or class during that time and shall be promoted under the conditions prescribed by this law, but he must perform the tasks assigned him by the superior officer.

##### Article 294

An active serviceman may not remain in waiting status longer than 6 months from the date he is relieved of his duty.

## 6. Discharge From Duty

### Article 295

An active serviceman shall be discharged from his duty:

- 1) during the period he is in custody;
- 2) during the period he is serving a prison sentence for a crime.

An active serviceman may be discharged from his duty if he has been discovered committing a grave violation of military discipline or if criminal proceedings have been instituted against him or proceedings because of a disciplinary offense (Article 188, Paragraph 1), and the crime or disciplinary offense is of such nature that it would be harmful to the interests of the service for such a person to remain in the duty.

A person who has been discharged from a duty under Paragraph 2 of this article may as an exception be appointed to work in a military unit or military institution in which he has been serving or to another military unit or military institution at the same station.

### Article 296

An active serviceman may be discharged from his duty only so long as the reasons obtain which were the grounds for issuing the act of his discharge from the duty. If it is found that those grounds have ceased, the competent officer shall decide the service status of the active serviceman discharged from duty in a new act.

The time during which an active serviceman has been discharged from his duty shall not be counted for purposes of his promotion.

### Article 297

It shall be as though an active serviceman was not discharged from his duty if disciplinary proceedings are not instituted because of a grave violation of military discipline in whose commission he was discovered, if criminal or disciplinary proceedings instituted against him are halted or if he is acquitted of the charge by a final court decision or the charge is rejected, but not because of the court's lack of jurisdiction, or if in renewed proceedings or in proceedings upon a request for protection of legality he should be acquitted of the charge or if a disciplinary measure is pronounced against him in disciplinary proceedings.

## 7. Personnel Councils and Commissions

### Article 298

The personnel commission in the Federal Secretariat for National Defense, which shall be an advisory body, shall take up personnel matters within the jurisdiction of the federal secretary as he defines them.

Personnel councils, which shall be advisory bodies of commanding officers, shall take up personnel matters concerning active military personnel (appointments, transfers, detachment to attend school, promotions, evaluations, decorations, waiting status, termination of service and other relations in the service) and shall furnish the competent commanding officer opinions on such matters.

Personnel councils shall exist in the organizational units of the Federal Secretariat for National Defense and in military units and military institutions as designated by the federal secretary.

Commissions may be established as advisory bodies in the Federal Secretariat for National Defense and in the commands of armies and equivalent commands to make recommendations for the detachment of active military personnel to attend school in particular military schools, for appointment of active military personnel to particular T/O positions and concerning their advancement to particular ranks if this is important to the various branches, arms and services or to relevant activities within the YPA.

#### Article 299

The provisions of Article 298 of this law shall also apply to the consideration of personnel matters pertaining to reserve military officers important to equipping them for nationwide defense (assignment to wartime duties, training, promotions, evaluation during service in the Armed Forces and other matters).

The regulation referred to in Article 300 of this law shall determine in which units or military institutions personnel councils and commissions referred to in Paragraph 1 of this article shall be established.

### 8. Enactment of Regulations

#### Article 300

The federal secretary shall issue regulations on the assignment, appointments and transfers of active military personnel; on the right to compensation because of termination of employment of the spouse of an active serviceman transferred to meet a need of the service; on procedure for exercising rights to extended insurance; on establishment of the list of candidates; on filling vacant positions by announcing the positions vacant; on detachment to attend school; on assignment of active military personnel to territorial defense and their detachment to other government agencies, organizations of associated labor, other organizations and communities; and on the organization and work of personnel councils, personnel commissions and commissions.

### 9. Service Status of Active Military Personnel in Wartime

#### Article 301

The provisions of Articles 248 through 300 of this law shall not apply in wartime.



The assignment of active military personnel to appropriate duties and the manner of resolving other matters arising out of relations in the service of active military personnel in wartime shall be regulated by a regulation of the federal secretary.

## Title XI. Obligation To Serve in the YPA After Completion of Schooling

### Article 302

The Federal Secretariat for National Defense may award scholarships to students in junior and senior postsecondary schools and university schools and to pupils in schools for targeted education or other secondary schools and may also provide schooling for pupils in general secondary military schools (military scholarship holders) in order to fill T/O positions in the YPA which require specialized training which cannot be acquired in military schools and in order to enroll cadets in military schools.

Active personnel may also be detached to attend school in junior and senior postsecondary military schools and other schools and university schools for the purpose of filling particular T/O positions in the YPA.

The federal secretary shall prescribe the conditions for awarding scholarships to postsecondary and secondary students to meet the needs of the YPA and the amounts of the scholarships.

A scholarship holder is required to conclude a contract with the military authority designated by the federal secretary concerning the awarding of a scholarship and the obligation to serve in the YPA.

### Article 303

A cadet who holds a military scholarship and has been attending school for the purpose of providing active military personnel for the YPA and an active serviceman detached to attend school under Article 302, Paragraph 2, of this law shall discharge the obligation of serving in the YPA as an active serviceman upon the completion of schooling. As an exception the scholarship contract may state that the military scholarship holder attending school for the purpose of filling positions in the YPA may discharge that obligation as a civilian employed in the YPA.

The person referred to in Paragraph 1 of this article through his own fault does not complete schooling or after completing schooling does not enter service in the YPA shall be required to reimburse the Federation the entire costs of schooling and the loss thereby inflicted upon the Federation.

The federal secretary shall prescribe what are considered to be the costs of schooling in the context of Paragraph 2 of this article.

#### Article 304

A military scholarship holder who is supposed to discharge the obligation of serving in the YPA as an active serviceman shall be accepted upon the completion of schooling for a specified period of service in the YPA as a civilian until he meets the conditions for promotion to the rank of an active serviceman.

If the person referred to in Paragraph 1 of this article does not meet the conditions for promotion to the rank of an active serviceman, it shall be assumed that he has been accepted into service in the YPA for an indefinite period and is satisfying the obligation to serve in the YPA which arises out of the awarding of the scholarship as a civilian employed in the YPA at the place to which he is sent, unless the scholarship contract provides otherwise.

#### Article 305

A military scholarship holder may not take employment with another government agency, organization of associated labor or other organization until he has discharged the obligation of serving in the YPA based on his schooling or the awarding of his scholarship without the consent of the federal secretary or officer whom he authorizes, unless the scholarship contract provides otherwise.

#### Article 306

A cadet who has attended school for the purpose of furnishing active military personnel for the YPA and a military scholarship holder, except a military scholarship holder attending school for the purpose of furnishing cadets to military schools, is required upon completion of schooling to remain in service in the YPA twice the period of time spent in school or receiving the scholarship, but not less than 6 years.

A military scholarship holder who has been attending school for the purpose of furnishing cadets to military schools is required upon completion of schooling to remain in service in the YPA the same period of time he spent in school or received a scholarship, but not less than 3 years. He shall discharge this obligation after completion of schooling in the military school.

An active military personnel detached to attend school under Article 302, Paragraph 2, of this law is required upon completion of schooling to remain in service in the YPA the same period of time he attended school, but not less than 3 years.

As an exception to the provisions of Paragraphs 1 and 2 of this article, a cadet who has been training to be a pilot in a military school is required to remain in service in the YPA 15 years after completion of schooling. This obligation also embraces any obligation which that person might have had as a cadet on the basis of schooling in a general secondary military school or other school for the purpose of furnishing cadets to military schools.

## Article 307

A person who during service in the YPA completes advanced specialized training for which he has been detached at his own request or with his own consent is required to remain in service in the YPA the same amount of time he spent during specialized advanced training. If that person has completed specialized training abroad, he is required to remain in service in the YPA twice the period of time he spent in advanced specialized training.

The time spent in advanced specialized training shall not be credited as time for meeting the obligation referred to in Article 306 of this law.

For the purpose of Paragraph 1 of this article "advanced specialized training" shall also mean attending the national defense school, the Operations School, the Command Staff Academy, or other appropriate military school or a military school abroad.

## Title XII. Personal Incomes, Compensation and Other Benefits

### 1. Personal Incomes and Other Benefits of Active Military Personnel

#### Personal Income

## Article 308

The personal income of an active serviceman shall be ascertained according to the results of his work and according to the contribution he has made through his current and past work in performing the assignments and tasks of the military unit or military institution in which he has served or which he made while doing active military service, taking especially into account the scope and complexity of the tasks and jobs he performed, the quality of the results achieved, responsibility and the conditions under which he did his service in the T/O position.

## Article 309

The personal income of an active serviceman shall consist of the following:

- 1) the portion established according to the rank or class (hereinafter "personal income based on rank or class");
- 2) the portion ascertained according to the tasks and jobs performed in the T/O position (hereinafter "personal income according to position");
- 3) the portion ascertained according to special conditions under which military service is performed (hereinafter "armed services supplement").

The portion of personal income based on past labor of the active serviceman covered by the elements of personal income prescribed by the provisions of Paragraph 1 of this article may also be established pursuant to Article 337 of this law as a separate portion of personal income in accordance with the

criteria applied in organizations of associated labor and work communities related to the distribution of funds for personal incomes on the basis of past labor.

#### Article 310

The personal income of an active serviceman working in certain units or in certain T/O positions, duties or jobs shall consist also of a separate portion of personal income which is determined according to the difficulty, character, conditions and duration of the work or job in those units or in those positions or tasks (hereinafter "special supplement").

#### Article 311

The personal income based on rank or class shall be determined according to the rank or class held by the active serviceman.

The personal income by rank or class shall increase according to the years which the active serviceman has spent in the particular rank or class and the service evaluation which that person has received (hereinafter "increase of the personal income based on rank or class").

The active serviceman shall be entitled to the increase in the personal income based on rank or class when he has spent in the rank or class the time specified by the regulation referred to in Article 337 of this law.

The time which an active serviceman has spent in a post abroad in which he is not doing military service shall not be counted in determining the increase of the personal income based on rank or class in the context of Paragraph 2 of this article.

#### Article 312

The personal income based on position shall be determined according to the classification group of the position, which is determined according to the tasks and functions performed in the T/O position to which the active serviceman has been assigned and according to the service evaluation he has received.

Every T/O position shall be assigned to a position classification group in the table of organization in view of the type, complexity, scope and importance of the tasks and functions performed in the T/O position, the responsibility that arises out of their performance, the rank or class and the professional training required for the T/O position.

As an exception to the provision of Paragraph 1 of this article the personal income based on position of an active serviceman who is being appointed to a T/O position assigned a position group at least three position groups higher than the position group of the T/O position he has held shall be that assigned to the two immediately higher position groups. The personal income based on position of the next higher position group shall be assigned to an active serviceman after 1 year--if his service evaluation is "especially distinguished,"

after 2 years if his service evaluation is "distinguished," and after 3 years-- if his service evaluation is "good," until the personal income based on position assigned to the position group of the T/O position to which he has been assigned is reached.

As an exception to the provision of Paragraph 1 of this article, an active serviceman being assigned to a T/O position to which the position group assigned is lower than the position group of the T/O position he has held shall retain the personal income based on position which he has been receiving for at least 2 years before the date of assignment for that T/O position if his service evaluation is "good" or higher.

An active serviceman who to meet a need of the service has been assigned to a T/O position of immediately lower rank or immediately lower level of specialized training for the reasons enumerated in Article 265, Subparagraphs 1 through 3 and Subparagraph 5, of this law, if he does not meet the conditions stated in Paragraph 4 of this article, shall be entitled to the personal income based on position assigned to the lowest position group prescribed for the rank or class which he has, if that is more favorable for him.

The provisions of Paragraphs 4 and 5 of this article shall not apply to an active serviceman who has been assigned to a T/O position of immediately lower rank or immediately lower level of specialized training pursuant to the provision of Article 265, Subparagraph 4, of this law.

#### Article 313

The service supplement, as a portion of personal income to which active servicemen are entitled because of particular conditions under which they do military service, and in particular because of participation in exercises, bivouacking, maneuvers and alerts, for overtime (Article 356), for performance of on-duty service and other forms of internal service pursuant to service regulations, because of having no choice of job or station, transfer, performance of service under all conditions and because of other exceptional situations caused by the needs of combat readiness.

The total amount of resources set aside for the service supplement may not be greater than 20 percent of the resources set aside for personal incomes based on rank or class, personal incomes based on position and special supplements of active servicemen.

#### Article 314

The personal incomes of active military personnel, not counting the service supplement, shall be established according to the personal incomes of workers in the economy of the Socialist Federal Republic of Yugoslavia, so that the average personal income of active commissioned officers may not be less than 2.20-fold, nor greater than 2.80-fold of the average personal income of workers in the economy of the Socialist Federal Republic of Yugoslavia earned in the previous half year. The average personal income of noncommissioned officers shall be set at about 70 percent of the average personal income of active commissioned officers.

The average personal income of active commissioned officers, in the context of the provisions of Paragraph 1 of this article, shall be determined within the limits of the resources to finance the YPA as set forth in the federal budget.

#### Special Compensation

##### Article 315

An active serviceman shall be entitled to compensation for special expenses incurred in connection with performance of service in particular military units or military institutions, in particular T/O positions, duties or tasks if because of the difficulty, character and duration of work or tasks he has been subjected to particular expenses (hereinafter "special compensation").

Special compensation may also be awarded if so required by the needs to man the YPA with active military personnel.

#### Overall Provisions Concerning the Personal Income and Special Compensation

##### Article 316

The personal income and special compensation shall be payable from the first date of the month after the serviceman qualifies to receive them, and if he qualifies for the personal income or special compensation on the first day of the month--as of that day.

If upon promotion to a higher rank or class an active serviceman is also credited for certain time in the past, the personal income based on rank or class, including the rise of the personal income based on rank or class, and the service supplement assigned to the higher rank or class shall be payable as of the first day of the next month from the day which is taken as the date of promotion.

##### Article 317

An active serviceman who has been promoted following graduation from a military school shall be entitled to personal income as of the date of promotion, and a person who has been accepted into active military service on some other basis--as of the date of entering the service.

##### Article 318

The personal income based on position and the special compensation shall be determined for a person holding a post temporarily as though he had been assigned to the T/O position which he is holding temporarily.

The provision of Paragraph 1 of this article shall be used to determine the personal income based on position and the special compensation of a deputy as well, if that is more favorable for him, when the substitution lasts longer than 1 month, except in the case of replacing an officer who is on annual leave.

#### Article 319

During annual leave, state and military holidays, leave granted as a reward and other permitted leave, except for unpaid leave, during waiting status and schooling and a trainee period lasting less than 1 year shall be entitled to compensation for personal income and special compensation in the amount of the personal income and in the amount of the special compensation established for the rank or class he possesses and the position he occupied up until that time.

An active serviceman who has been attending school or in a trainee program longer than 1 year shall be entitled to compensation for personal income in the amount prescribed for his rank or class and for the position he held until being sent to attend school or for advanced training or the trainee program, and the special compensation if while attending school or in the trainee program he has satisfied the conditions prescribed for receiving that compensation.

During a period of temporary incapacity an active serviceman shall be entitled to special compensation under the conditions and in the amount of the compensation for personal income to which an active serviceman is entitled under regulations on the health insurance of military insured.

#### Article 320

An active serviceman who because of promotion to a higher rank or class would be entitled to an amount of personal income based on rank or class, including the increase of the personal income based on rank or class, and the service supplement less than the amount of the personal income which he would have received on those bases had he not been promoted shall, if that is more favorable for him, be entitled to personal income based on rank or class, including the increase of the personal income based on rank or class, and the service supplement which he would have received had he not been promoted.

The provision of Paragraph 1 of this article shall also apply when an active noncommissioned officer is promoted to the rank of an active commissioned officer, as well as when an active military employee is promoted or transferred to the rank of an active noncommissioned officer or officer.

#### Article 321

An active serviceman against whom criminal proceedings are being conducted, so long as he is in custody, shall be entitled to compensation for personal income in the amount of one-third of the personal income to which he would have been entitled had he not been in custody, but in the amount of one-half if he is supporting a family.

The portion of personal income withheld shall be restored to the person referred to in Paragraph 1 of this article if criminal proceedings are halted by a final decision, if he is acquitted of the charge by a final decision, if the charge is rejected—but not because of the jurisdiction of the court, or if in a retrial or in response to a demand for protection of legality he should be acquitted of the charge.

#### Article 322

An active serviceman who has been sentenced to prison for a crime and whose service has not terminated while he serves that sentence shall be entitled to compensation for personal income in the amount of one-third of the personal income to which he would have been entitled had he not been convicted, and in the amount of one-half if he is supporting a family.

An active serviceman as referred to in Paragraph 1 of this article who does military service during allowed leave from serving his prison sentence or whose status in the service has been regulated in some other manner for that time, shall be entitled to personal income and special compensation or compensation for personal income pursuant to the provisions of this law.

#### Article 323

The active serviceman who under Articles 321 and 322 of this law is paid compensation for personal income shall be entitled to personal income from the date of reporting to the military unit or military institution after being released from custody or from serving his sentence.

#### Article 324

An active serviceman who has been suspended from his duty under Article 295, Paragraph 2, of this law shall during the suspension be entitled to the personal income based on position assigned to the lowest position group prescribed for his rank or class.

Time spent during suspension (Article 295) shall not be counted for the purpose of qualifying for the increase of personal income based on rank or class.

#### Article 325

An active serviceman shall not be entitled to personal income or special compensation for hours or days of unjustified absence from his duty.

#### Article 326

An active serviceman shall be entitled to personal income or compensation for personal income up to the end of the month in which he has been discharged from the service.

As an exception to the provision of Paragraph 1 of this article, an active serviceman whose service has terminated under Article 392, Paragraph 1, Subparagraph 6, of this law, who is in custody, shall be entitled to compensation for personal income up to the end of the month in which the verdict became final. If that person has abandoned the service by his own arbitrary act, he shall be entitled to personal income or compensation for personal income up to the day when he abandoned the service.



Special compensation shall be credited to an active serviceman up to the end of the month in which the conditions prescribed for receiving it terminated.

#### Article 327

If personal income or compensation for personal income and special compensation are being paid for a certain number of days in the month, their daily amount shall be established by dividing the monthly amount by the number of workdays in the month and days equivalent to workdays with respect to the right to personal income by law.

#### Article 328

A garnishment up to one-third of the personal income and special compensation may be placed to collect a claim against an active military person and a garnishment may be placed up to one-half to collect a claim on the basis of legally required support.

#### Article 329

The base for payment of the contribution from personal income of an active serviceman during schooling or during service abroad shall be the personal income to which he would have been entitled on the basis of the rank and class he held immediately before being sent abroad.

#### Article 330

An active serviceman assigned to territorial defense or detached to another government agency, organization of associated labor or other organization or community shall be entitled to the personal income and special compensation according to the scales and in the amounts established by this law and regulations enacted on the basis of this law except that the personal income or special compensation established in that manner, not counting the service supplement, shall be paid by the government agency, organization of associated labor or other organization or community out of its own resources.

If a government agency, organization of associated labor or other organization or community to which an active serviceman has been assigned or detached is unable to provide that person a personal income or special compensation in the amounts to which he would be entitled under the provisions of Paragraph 1 of this article, and the competent military authority nevertheless decides in view of the needs of the service to assign or detach the active serviceman to that agency or organization or community, the difference between the personal income and special compensation referred to in Paragraph 1 of this article and the amount paid him by the government agency or organization of associated labor or other organization or community shall be paid by the Federal Secretariat for National Defense.

The provisions of Paragraphs 1 and 2 of this article shall also apply to active military personnel serving in a military institution as referred to in Article 504 of this law.

#### Article 331

An active serviceman detached to serve in a diplomatic or consular mission of the Socialist Federal Republic of Yugoslavia abroad shall be entitled to personal income and other compensation according to the regulations on personal incomes and other compensation of personnel working in diplomatic and consular missions of the Socialist Federal Republic of Yugoslavia abroad except that the federal secretary shall make the classification by rank or class, by duty, by tasks and functions which the active serviceman is to perform in those missions for the purpose of determination of personal income.

An active serviceman sent abroad to perform tasks and functions which arise out of international treaty shall be entitled to the personal income established according to the rank or class which he has, according to the tasks and functions he performs, according to the type and level of specialized training necessary to perform those tasks and functions, according to the responsibility arising out of their performance, and according to other special conditions under which those tasks and functions are performed or under which the active serviceman is being sent abroad or is already abroad.

The scales and amounts of personal incomes of the active military personnel referred to in Paragraph 2 of this article shall be set forth in a regulation of the federal secretary.

#### Article 332

An active serviceman sent abroad to attend school or for advanced training shall be entitled to a stipend. The amount of the stipend shall be determined by the federal secretary as a function of the rank or class of the active serviceman, the country to which he is being sent, and the type and duration of schooling or advanced training.

In addition to the stipend referred to in Paragraph 1 of this article, an active serviceman whose family is in the Socialist Federal Republic of Yugoslavia shall be entitled to the following:

- 1) for the first 3 months of stay abroad--compensation for personal income in the amount of the personal income prescribed for his rank and class and the position he held until the date he was sent for schooling or advanced training;
- 2) for a stay abroad longer than 3 months--compensation for personal income in the amount of 75 percent of the amount of personal income prescribed for his rank or class and the position he held up until the date when he was sent to attend school or for advanced training.

The person referred to in Paragraph 1 of this article who has no family or whose family is in the Socialist Federal Republic of Yugoslavia [sic] shall be entitled to the following in addition to the stipend:

- 1) for the first 3 months of stay abroad--compensation for personal income in the amount of 50 percent of the amount of the personal income prescribed for

his rank or class and the position he held until the date when he was sent to attend school or for advanced training;

2) for a stay abroad longer than 3 months--compensation for personal income in the amount of 30 percent of the amount of personal income prescribed for his rank or class and the position he held until the date of being sent to attend school or for advanced training.

The provisions of Paragraphs 2 and 3 of this article shall also apply to active military personnel being sent to attend school or for advanced training abroad and who are not receiving a stipend from the Federal Secretariat for National Defense.

As an exception to the provisions of Paragraph 2 of this article, an active serviceman being sent to a military school abroad shall be entitled to compensation for personal income for the time spent attending school or in advanced training in the amount of the personal income prescribed for his rank or class and the position he held up to the date of being sent abroad, if he has a family in the Socialist Federal Republic of Yugoslavia.

#### Rewards

##### Article 333

A reward may be awarded to an active serviceman for effort and successful performance and for acts important to the Armed Forces and to nationwide defense. Special resources in the financial plan of the Federal Secretariat for National Defense shall be planned for that purpose.

##### Article 334

A special reward may be awarded to an active serviceman if he has been exposed to particular stress or heightened risk in the performance of particular tasks.

#### Severance Pay

##### Article 335

A person being discharged from active military service shall be entitled to severance pay if he has spent at least 1 year in active military service. A person shall also be entitled to severance pay upon termination of active military service which he entered on contract, if he has spent at least 3 years in that service.

A person shall not be entitled to severance pay if his service is terminated under Article 392, Paragraph 1, Points 3 through 6, of this law, except in the case of a person whose request for termination of active military service was filed in order to exercise the right to a pension.

#### Article 336

The amount of the severance pay shall be determined from the personal income, not counting special supplements, as a function of total pensionable service and of the grounds on which service terminated.

In case of the death of an active serviceman severance pay shall be paid to his family if none of the members of the family is entitled to one-time money aid under Article 140 of this law. If the amount of one-time money aid to which members of the family of a deceased active serviceman are entitled is smaller than the amount of the severance pay to which they would have been entitled, they shall be paid the difference up to the full amount of the severance pay. The provisions of Articles 144 and 145 of this law shall also apply in connection with payment of severance pay to the family.

#### Enactment of Regulations

#### Article 337

The federal secretary is hereby authorized to prescribe the following: the scales for the increase of personal income based on rank or class (Article 311, Paragraph 2) and for determination of personal income based on position (Article 312, Paragraph 1); the lowest position group for each rank or class (Article 312, Paragraph 5); special supplements (Article 310), the special compensation (Article 315) and the conditions under which special supplements and special compensation shall be paid; the criteria and conditions under which active military personnel shall be awarded rewards and paid severance pay, and the amounts of personal incomes, special compensation and other money benefits prescribed by this law within the limits of the funds approved in the financial plan of the Federal Secretariat for National Defense.

#### 2. Money Benefits of Personnel in the Reserves While Serving in the YPA

#### Article 338

While serving in the YPA a person in the reserves shall be entitled to compensation for personal income or other benefits in accordance with the regulation governing the military requirement.

If the money benefits of a reserve noncommissioned officer, commissioned officer or military employee during military exercises or when called up to serve in the YPA on some other basis are determined by rank or class, such benefits shall be determined according to the personal income earned by an active serviceman of the same rank or class and in the same T/O position. That person shall also be entitled to the increase of personal income based on rank or class if in active military service he has met the conditions prescribed for that increase.

The person referred to in Paragraph 2 of this article shall also be entitled to special compensation if he has satisfied the conditions prescribed for receiving it.

### 3. Benefits of Soldiers and Cadets

#### Article 339

Soldiers and cadets shall be entitled to money benefits whose amount is determined according to the time spent in the YPA, rank and the nature of the tasks they perform. The amounts of those benefits shall be set by the federal secretary within the limits of resources approved for that purpose in the financial plan of the Federal Secretariat for National Defense.

Money benefits of soldiers and cadets shall be exempted from execution proceedings.

### 4. Reimbursement of Travel and Other Expenses

#### Article 340

An active serviceman, soldier and cadet shall be entitled to reimbursement of expenses for official travel away from the station. That reimbursement shall include reimbursement of expenses for personal transportation, reimbursement of expenses for accommodations and food in the form of a per diem and reimbursement of other expenses incurred in order to perform official business.

The amount of the per diem for official travel shall be determined as a function of the costs of accommodation and food and according to the rank or class.

#### Article 341

An active serviceman sent away from the station or away from the place where his family resides to attend school for 1 year, for temporary work or for work in the field shall be entitled to compensation for accommodation and food.

The soldier and cadet shall also be entitled to compensation for work in the field.

#### Article 342

While serving on a naval vessel an active serviceman shall be entitled to compensation for higher cost of living resulting from that service.

#### Article 343

An active serviceman shall be entitled to reimbursement of expenses when he is transferred from one station to another. A person in the reserves who has been accepted into active military service shall also be entitled to that reimbursement if he has been assigned to a place other than his place of residence up to that time.

#### Article 344

A person whose active military service is terminating shall be entitled to compensation of moving expenses for the move from the station or residence of his family to the place where he intends to settle.

The family of a deceased active serviceman shall also be entitled to reimbursement of the expenses referred to in Paragraph 1 of this article. The family of a deceased retired serviceman or person who has been receiving money compensation shall also qualify for that right if it has not been exercised during that person's life.

The person referred to in Paragraph 1 of this article whose active military service has terminated because of the disciplinary penalty of dishonorable discharge of an active serviceman shall be entitled to reimbursement of actual costs of his own travel, the travel of members of his family and shipment of household belongings.

The right to reimbursement of moving expenses referred to in Paragraphs 1 through 3 of this article may be exercised within 5 years from the date of termination of service or the death of the active serviceman. As an exception, if that right has not been exercised within 5 years because it has not been possible to find housing in the place where that person wishes to settle, the right to compensation of moving expenses may be exercised even after the end of that period of time, but no later than 6 months from the date when vacant housing was obtained.

A person whose service has terminated because of loss of rank or class shall not be entitled to compensation for moving expenses.

#### Article 345

An active serviceman who is supporting a family and living with it in the same household shall be entitled to compensation of costs because of separation from family unless he or his spouse or other member of the family whom he supports and who lives with him in the same household is living in a dwelling on the basis of the right of tenancy or has a privately owned vacant dwelling in the town to which he has been transferred or unless he or his spouse or other member of the family whom he supports and who lives with him in the same household is living in a dwelling on the basis of the right of tenancy or has a privately owned vacant dwelling in the town away from the previous place of residence to which he has been posted after being accepted into active military service or sent to attend school longer than 1 year.

An active serviceman's compensation of costs because of separation from family may be reduced so long as he is receiving compensation for work in the field, compensation for service on board ship or other compensation covering the higher costs because of separation from family.

#### Article 346

An active serviceman who returns with his family from service abroad to take up service within the country shall be entitled to compensation of costs for temporary housing unless he or his spouse or other member of the family whom he supports and who lives with him in the same household has a dwelling or housing can be provided.

#### Article 347

A reserve noncommissioned officer, commissioned officer or military employee who has been sent on military exercises or called up to serve in the YPA on some other basis away from his place of residence or away from the place of residence of his family shall be entitled to compensation of expenses for food and compensation of expenses for housing unless free housing has been furnished him during military exercises.

#### Article 348

A reserve noncommissioned officer, commissioned officer or military employee who while serving in the YPA is sent on an official trip, to work in the field away from his station or on military exercises or if during military exercises he is on a naval vessel, instead of the compensation under Article 347 of this law, he shall be entitled, under the conditions prescribed for active noncommissioned officers, commissioned officers and military employees to compensation of costs for official travel, compensation for work in the field or compensation under Article 342 of this law, if that is more favorable for him.

#### Article 349

Regulations on compensation for official trips and moving expenses abroad of the personnel of federal administrative agencies shall be appropriately applied to military personnel as well.

An active serviceman assigned to territorial defense or detached to another government agency, organization of associated labor or other organization or community shall be entitled to compensation for traveling and other expenses under regulations which apply to active military personnel if that is more favorable for him. Such compensation shall be paid by the government agency, organization of associated labor or other organization or community out of its own resources.

#### Article 350

The amount of the compensation referred to in Articles 341 through 346 of this law shall be determined as a function of the rise of costs that has occurred in the cases referred to and according to whether that person is supporting a family and living in the same household with it, while the amount of compensation referred to in Article 347 of this law shall be determined

as a function of the increased costs that have occurred because of separation from family.

#### Article 351

The federal secretary is hereby authorized, within the limits of the funds approved for that purpose in the financial plan of the Federal Secretariat for National Defense, to fix the amount of compensation of traveling and other expenses envisaged by this law consistent with the principles of the regulations which apply to the personnel of federal administrative agencies; to issue regulations on awarding that compensation and if necessary to also prescribe other reimbursement of exceptional costs that have been incurred in connection with military service.

#### 5. Equipment, Food and Housing of Military Personnel

#### Article 352

Soldiers, cadets and soldiers in the reserves while doing military service in the YPA shall be entitled to free personal equipment, food and housing.

Reserve noncommissioned officers and military employees in Classes IX and VIII, while they are in the YPA as persons subject to military service, shall be entitled to free personal equipment and housing, and reserve commissioned officers and military employees in classes VII through I shall be entitled to free personal equipment and also housing if they are required to live temporarily in the military unit or military institution.

Active military personnel shall be entitled to free housing when they are temporarily living in the military unit or military institution in accordance with the regulation enacted on the basis of Article 60 of this law.

Active military personnel shall be entitled to a free meal according to the norms prescribed by the federal secretary while performing service which causes increased physical and mental strain (pilots, parachutists, submariners, divers and persons on duty in a military unit or military institution, etc.).

#### Article 353

A cadet promoted to the rank of active noncommissioned officer or commissioned officer or to the class of a military employee and a person being accepted for the first time in the active military service shall be entitled to one-time money compensation and compensation to purchase uniforms and other articles of personal equipment.

An active serviceman shall be entitled to compensation for increased wear of a uniform, for a change of uniform when that change has been prescribed and in other cases when the active serviceman, because of the needs of the service, is exposed to exceptional costs of purchasing a uniform.



The federal secretary shall issue regulations on the benefits referred to in Article 352 of this law and the benefits under this article.

#### Title XIII. Working Hours, Rest and Leave

##### 1. Working Hours

###### Article 354

Active military personnel shall be entitled to a limited workweek of 42 hours (fulltime).

###### Article 355

An active serviceman working under special conditions whose harmful effect on his health and fitness for military service cannot be entirely eliminated by protective measures shall be entitled to a workweek shorter than 42 hours.

The following shall in particular be regarded as special conditions: especially difficult and strenuous work, work under increased or decreased atmospheric pressure, work in water or moisture, work exposed to ionizing radiations, work in an atmosphere contaminated with poisonous gases, poisonous dust and the like, work with corrosive substances, the work of flight personnel, the work of submariners, the work of guarding the national border, the work of preventing and treating tuberculosis, the work of treating mental patients, and work in autopsy departments.

###### Article 356

As an exception to the provision of Article 354 of this law, an active serviceman is required to work overtime when the measures of an alert have been ordered, in case of an alarm in the military unit or military institution, during military exercises, in cases of combating natural disasters, during on-duty service or similar duty in the military unit or military institution and on occasions which require that continuing work which is begun since stopping it or interrupting it would have harmful consequences for the combat readiness of the military unit or military institution or would inflict considerable property damage or threaten the life and health of military personnel or other individuals.

As an exception a military officer holding the position of regimental commander or higher position may order that an active serviceman also work overtime because of other exceptional tasks of the military unit or military institution.

###### Article 357

The federal secretary shall set forth the special working conditions for T/O positions in the YPA, the extent to which they affect the health of the serviceman and his fitness for military service, shall fix the shorter workweek

for those positions in proportion to the effect of the special working conditions as ascertained and shall define in more detail when the competent military officer referred to in Article 356, Paragraph 2, of this law may order overtime.

## 2. Scheduling of Working Hours

### Article 358

Service regulations shall set forth the scheduling, beginning and end of the workday or working hours for a longer period according to the working conditions and nature of the job of the military unit or military institution.

Daily rest must be assured when a serviceman's workday is being scheduled.

### Article 359

Working hours between 2200 hours and 0500 hours of the next day shall be considered nighttime work, and service during that time nighttime service.

### Article 360

In military units and military institutions in which service is performed in shifts the military personnel of one shift may not perform nighttime service continuously longer than 1 week.

### Article 361

A serviceman may not be assigned nighttime service if according to the finding of a military medical commission nighttime service could detract from his state of health.

### Article 362

Weekly working hours may not be so scheduled into workdays that there will be fewer than 5 workdays in the week.

### Article 363

If the nature of the job or organization of work require, working hours may be scheduled in military units and military institutions so that it lasts longer than 7 hours per day in a certain season of the year and less than a full workday in the rest of that season so that total working hours in that season does not on the average last longer than 42 hours a week, but daily and weekly rest must be provided for to meet the provisions of this law.

The regulation referred to in Article 357 of this law shall regulate the scheduling of worktime pursuant to the provision of Paragraph 1 of this article in cases when an active serviceman has worked overtime by order of a competent officer on the grounds stated in Article 356, Paragraph 2, of this law.

### 3. Rest and Leave of Military Personnel

#### Daily and Weekly Rest

##### Article 364

A serviceman shall have the right to rest 30 minutes during a full unbroken workday, to a daily rest of at least 12 continuous hours between 2 successive workdays and to weekly rest of at least 24 uninterrupted hours.

Service regulations shall establish the scheduling of rest during daily work and the weekly rest to meet the needs of the service and the nature of the tasks of the military unit or military institution.

The provision of Paragraph 1 of this article on daily and weekly rest shall not apply to an active serviceman who is required to work longer than full-time on the grounds prescribed in Article 356, Paragraph 1, of this law.

#### Annual Vacation

##### Article 365

Active military personnel shall be entitled to paid annual vacation lasting 25 to 30 workdays.

The length of annual vacation shall be determined according to pensionable service and the conditions under which service is performed.

An active serviceman who has more than 30 years of pensionable service and is over age 50 (male) or more than 25 years of pensionable service and is over age 50 (female) may receive as many as 10 more workdays of paid annual vacation.

##### Article 366

The length of the annual vacation of active military personnel shall be as follows:

- 1) if pensionable service is less than 10 years--25 workdays;
- 2) if pensionable service is more than 10 years--30 workdays.

##### Article 367

An active serviceman shall be entitled to an annual vacation lasting 30 workdays regardless of the length of pensionable service in the following cases:

- 1) if he holds the 1941 Partizan Commemorative Medal;
- 2) if he has been decorated with the National Hero Order;

- 3) if he is disabled and his disability is 50 percent or greater;
- 4) if he is a pilot or parachutist or serves on the border;
- 5) if he is serving on a submarine or is a diver or naval commando;
- 6) if at his work station he is exposed to harmful radiation or chemical substances harmful to health whose harmful effect cannot be entirely eliminated by protective measures;
- 7) if he works exclusively preventing and treating tuberculosis, with mental patients or in autopsy departments.

#### Article 368

An active serviceman assigned to territorial defense or detached to another government agency, organization of associated labor or other organization or community shall be entitled to annual vacation according to the regulations which apply to other personnel working in those agencies or organizations or communities if that is more favorable for him.

#### Article 369

An active serviceman shall use his annual vacation either all at once or in two approximately equal parts.

An active serviceman who has been discharged from serving a prison sentence or from custody, if he has not used his annual vacation, shall use vacation in the amount of 2 workdays for every month spent on duty in the military unit or military institution. That vacation shall include the time which that person spent on annual vacation before the day of commencing to serve his prison sentence or before the day when he was taken into custody during the same year.

#### Article 370

Active military personnel shall take their annual vacation throughout the entire year according to a plan set forth by the commanding officer of the military unit or military institution.

In military units and military institutions in which the nature of the service so allows, active military personnel may take their annual vacation at the same time.

#### Article 371

An active serviceman shall be notified of the day on which his annual vacation begins no later than 30 days before it begins.

At the request of an active serviceman or to meet the needs of the service, the competent commanding officer may alter the annual vacation time for certain individuals no later than 30 days before it is to begin.

#### Regular and Irregular Leave

##### Article 372

A soldier shall be entitled to regular leave lasting 18 days if he is doing 15-month required military service and 15 days if he is doing 12-month required military service, not counting the time necessary for travel.

The cadet shall be entitled to regular leave in accordance with regulations on military schools.

The State Presidency of the Socialist Federal Republic of Yugoslavia may permit the granting of exceptional leave to soldiers to meet a need of the service or for other justifiable reasons.

#### Leave Because of Private Affairs

##### Article 373

A person in the military shall be entitled to leave of 7 workdays in the calendar year to handle private affairs (marriage, birth in the immediate family, death in the immediate family and other similar cases).

Leave for private affairs may be granted several times, but the time spent on such leave in excess of 7 workdays during a single calendar year shall be charged to annual vacation or regular leave unless the leave was granted because of a death in the immediate family.

#### Unpaid Leave

##### Article 374

In justifiable cases, because of a very necessary private matter, an active serviceman may be granted unpaid leave up to 30 days in a calendar year.

#### Leave as a Reward

##### Article 375

A soldier or active serviceman may be granted leave lasting up to 30 days in a calendar year as a reward for particular effort and success in performance of service.

## Leave for Recuperation

### Article 376

A serviceman who performs particularly difficult work or work harmful to health shall be entitled to paid leave of up to 30 days a year for recuperation, as follows: a person who serves as a pilot in military units or military institutions or in positions specified by the federal secretary and a person who performs the work referred to in Article 367, Subparagraphs 5 through 7, of this law.

An active serviceman whom the competent authority of the medical service judges to be urgently in need of such leave shall be entitled to the leave for recuperation referred to in Paragraph 1 of this article for the purpose of preventive health care.

An active serviceman who has been granted leave for recuperation under the provision of Paragraph 1 or Paragraph 2 of this article shall not be entitled to the extended annual vacation under the provision of Article 365, Paragraph 3, of this law.

Paid leave for recuperation shall be granted no earlier than after 6 months has been spent in the duty or work described in Paragraph 1 of this article.

## Leave To Compete in Athletic Events

### Article 377

As an exception a serviceman may be granted leave to compete in athletic events within the country or abroad as designated by the federal secretary.

A serviceman may be granted leave not to exceed 60 days to prepare for and to compete as described in Paragraph 1 of this article.

## Leave To Take an Examination

### Article 378

An active serviceman who has been granted permission to take an examination for rank or class shall be entitled to paid leave of 30 days to prepare for the examination for the rank or class or other examination which under the provisions of this law is equivalent to the examination for rank or class.

An active serviceman who is a parttime student in a military school, university school or other school may be granted leave up to 30 days during a calendar year for the taking of examinations.

#### Article 379

Leave to prepare for an examination for rank or class shall be granted to an active serviceman if he is taking the examination the first time.

An active serviceman who has used the leave referred to in Paragraph 1 of this article and fails to take the examination shall not be entitled to leave again in order to prepare for the examination.

#### Leave To Visit Family

#### Article 380

An active serviceman, except for a person attending school or serving abroad, who has been transferred, if he lives apart from his family, shall be entitled to leave of 5 workdays to visit his family for every 3 months spent away from his family.

An active serviceman who after acceptance into active military service has been posted away from where he has lived until that time shall also be entitled to the leave referred to in Paragraph 1 of this article if he has been living apart from his family.

#### Leave for Moving

#### Article 381

An active serviceman who has been transferred shall be entitled to leave not to exceed 7 workdays for moving and settling in the new garrison, and if he is moving his family with whom he lives in the same household--leave not to exceed 10 workdays.

An active serviceman who for justifiable reasons is unable to move his family at the time of his transfer to the new station shall be entitled to leave not to exceed 7 workdays for his own move, and leave not to exceed another 10 workdays to move his family.

As an exception to the provision of Paragraph 2 of this article, an active serviceman serving abroad shall not be entitled to leave in moving his family unless his family is moving to the foreign country in which that person is serving.

#### Other Provisions

#### Article 382

The necessary traveling time, not to exceed 4 days in both directions, shall be granted to a serviceman to travel on regular leave, leave to visit family and leave to handle private affairs.

#### Article 383

Time which an active serviceman has been absent from work for the following reasons shall not be counted in annual vacation:

- 1) state and military holidays;
- 2) medical treatment and sick leave and in other cases of temporary incapacity envisaged by the regulations on the health insurance of military insured;
- 3) performance of government and public duty;
- 4) leave to handle private matters up to 7 workdays, leave granted as a reward, leave for recuperation, leave to take examinations, leave to visit family, leave for moving and unpaid leave;
- 5) semester holidays which an active serviceman takes while he is attending school fulltime in a military school, university school or other school.

Nor shall time which an active servicewoman has been absent from work because of pregnancy and childbirth be counted as annual vacation.

Nor shall time spent in medical treatment and sick leave, on leave granted for private matters up to 7 workdays, leave granted as a reward, leave for recuperation and irregular leave be counted in regular leave.

If the case referred to in Paragraph 1, Subparagraph 2, of this article occurs before or during a vacation, it shall be as though the annual vacation or the remainder of it has been postponed or interrupted.

The occurrence of the case referred to in Paragraph 1, Subparagraph 2, of this article and the medical treatment or sick leave of the soldier referred to in Paragraph 3 of this article shall be proven with the certificate from a military physician or from a military or other medical institution.

#### Article 384

The federal secretary may because of exceptional needs of the service order cessation of the granting or interruption of the use of annual vacation and leave of military personnel. On those same grounds commanding officers of military units and military institutions as designated by the federal secretary may also halt the granting or interrupt the use of annual vacation and leave of individual military personnel.

#### Article 385

The commanding officer referred to in Article 501 of this law shall be competent to make decisions on the annual vacation and leave of active military personnel, and a commanding officer of the rank of company commander or higher rank shall have that power for soldiers if other provision has not been made by this law for individual cases.



#### Article 386

If use of annual vacation or a part of it has begun at the end of the calendar year, it shall be continued without interruption in the next year.

As an exception to the provision of Paragraph 1 of this article, an active serviceman who has not used his annual vacation because of a need of military service or for other justifiable reasons, as the federal secretary shall prescribe, may use his annual vacation even in the next calendar year, but no later than 30 June of that year.

#### Article 387

An active serviceman who has not used his annual vacation for the reason given in Article 384 of this law shall be entitled to compensation in the amount of personal income and special compensation for the number of days of annual vacation not used.

An active serviceman whose annual vacation has been interrupted for the reason given in Article 384 of this law shall be entitled to compensation for actual costs incurred because of the interruption of annual vacation.

#### Article 388

An active serviceman whose service is to cease for the reasons enumerated in Article 392, Paragraph 1, Subparagraphs 1 through 5, and Paragraph 2, Subparagraphs 1, 2 and 4, of this law shall be given annual vacation before discharge from the service.

An active serviceman whose service is terminating because of transfer to work outside the YPA (Article 392, Paragraph 2, Subparagraph 3) and who upon discharge from the service is going to work in a government agency, organization of associated labor or other organization or community shall be given annual vacation before discharge from the service unless the government agency, organization of associated labor or other organization or community does not accept his using his annual vacation.

#### Article 389

The federal secretary is hereby authorized to issue the following regulations: on extension of the annual vacation of active military personnel under the provision of Article 365, Paragraph 3, of this law; on the conditions under which, in the context of Articles 367 and 376 of this law, it is assumed that an active serviceman is serving as a pilot or parachutist or serving on the border or is serving on a submarine, performing the duty of a diver or naval commando, is exposed to the effect of radiation or chemical substances harmful to health; concerning the time and manner of use of annual vacation of active military personnel and regular leave of soldiers, as well as more detailed regulations on other leave envisaged by this law, as well as to fix the amount of compensation for use of annual vacation of active military

personnel within the limits of funds approved in the financial plan of the Federal Secretariat for National Defense.

#### 4. Welfare of Women, Young People and Disabled Persons

##### Article 390

A woman in active military service shall exercise the right to maternity leave, reduced working hours and work schedules in accordance with the law of the republic or law of the autonomous province where the military unit or military institution in which he is serving is located.

The welfare of women, young people and disabled persons in active military service, unless regulated by federal law, shall conform to the law of the republic or the law of the autonomous province in which the military unit or military institution is located in which the active servicewoman is serving.

#### 5. Working Hours, Rest and Leave in Wartime

##### Article 391

The provisions of Articles 354 through 390 of this law shall not apply in wartime.

Working hours, rest and leave of military personnel in wartime shall be regulated by the State Presidency of the Socialist Federal Republic of Yugoslavia as a function of the conditions and circumstances under which service is performed in wartime.

#### Title XIV. Termination of Active Military Service

##### 1. Reasons for Termination of Active Military Service

##### Article 392

The service of an active serviceman shall terminate in the following cases:

- 1) if it has been found on the basis of the evaluation and opinion of the competent authority of the medical service that he is permanently unfit for active military service;
- 2) if he has been on sick leave and receiving medical treatment for more than 2 years continuously or more than 30 months in the last 3 years with interruptions, and if his sick leave has not been extended under Article 397, Paragraph 6, of this law;
- 3) if he has received unfavorable evaluations twice in succession;
- 4) at his request;

5) if the disciplinary penalty of dishonorable discharge of the active military service has been pronounced against him;

6) if he has lost rank or class.

An active serviceman who has 40 years of pensionable service and an active servicewoman who has 35 years of pensionable service shall by law leave the service upon reaching the following ages:

1) noncommissioned officer and military employee in classes XII through VIII--55;

2) commissioned officer up to the rank of colonel and military employee in classes VII through I--58;

3) commissioned officer in the rank of major general and lieutenant colonel general--59;

4) commissioned officer in the rank of colonel general--60;

5) commissioned officer in the rank of army general--65.

The service of an active serviceman may terminate:

1) with 40 years (male) or 35 years (female) of pensionable service, if the needs of the service so require;

2) upon reaching the age prescribed in Article 394 of this law, if the needs of the service so require;

3) to transfer to work outside the YPA at the request of another government agency, organization of associated labor or other organization or community, if the needs of the service allow and if the active serviceman consents;

4) upon election or appointment to a self-management, public or other social office outside the Armed Forces and if he consents to assume that office.

As an exception to the provisions of Paragraph 3 of this article, the service of an active serviceman may terminate by decision of the State Presidency of the Socialist Federal Republic of Yugoslavia when the particular needs of the service and the interests of the Armed Forces so require.

As an exception to the provision of Paragraph 3, Subparagraph 2, of this article, the State Presidency of the Socialist Federal Republic of Yugoslavia or the federal secretary may decide to terminate the service of an active serviceman who has reached the age prescribed in Article 394 of this law, if the needs of the service so require and if he consents.

An active servicewoman may on the basis of a written request remain in the service even after meeting the conditions stated in Paragraph 2 of this article, but no longer than until she accumulates 40 years of pensionable service.

An active serviceman whose service is supposed to terminate under the provisions of Paragraph 2 of this article may as an exception be retained in the service with his consent as long as 2 years, if he is a distinguished specialist and is achieving exceptional results in his work or if particular needs of the service so require in order to fill the T/O position in question, as follows:

- 1) an active commissioned officer with a rank of general--by order of the SFRY State Presidency;
- 2) other active military personnel--by order of the federal secretary.

#### Article 393

Medical fitness in the context of Article 392, Paragraph 1, Subparagraph 1, of this law shall be evaluated at the request of the active serviceman or superior officer holding the position of regimental commander (commander of an independent battalion) or equivalent or higher officer.

The commander of a regiment (independent battalion), or equivalent or higher commanding officer is required to refer a serviceman for evaluation of fitness for active military service if he has been undergoing medical treatment or on sick leave for 12 continuous months or a total of 16 intermittent months in the last 2 years.

#### Article 394

The service of an active serviceman may not terminate under Article 392, Paragraph 3, Subparagraph 2, of this law until he reaches the following age:

- 1) a noncommissioned officer or military employee in classes XII through VIII--age 52;
- 2) commissioned officer to the rank of colonel and military employee in classes VII through I--age 55;
- 3) commissioned officer with the rank of major general--age 57;
- 4) commissioned officer with the rank of lieutenant colonel general--age 58;
- 5) commissioned officer with the rank of colonel general--age 60;
- 6) commissioned officer with the rank of army general--age 65.

In the case of an active serviceman who in the context of Article 83 of this law has received an irregular promotion during proceedings for termination of service the age prescribed in Paragraph 1 of this article shall be calculated according to the rank which that person had before the irregular promotion.

## Article 395

The service of an active serviceman who has received an unfavorable evaluation (Article 392, Paragraph 1, Subparagraph 3) twice in succession may not terminate while he is undergoing medical treatment or on sick leave unless he has met the conditions for a pension.

If the service of an active serviceman is terminated because of the disciplinary penalty of dishonorable discharge (Article 392, Paragraph 1, Subparagraph 5), execution of the verdict of the military disciplinary court shall be postponed so long as that person is undergoing medical treatment or on sick leave, unless he has qualified for a pension.

Nor may service terminate under the provision of Article 392, Paragraph 3, Subparagraph 2, of this law in the case of an active serviceman who has 30 years (male) or 25 years (female) of pensionable service unless he qualifies for a pension or has qualified for a monthly money compensation because of termination of service to meet a need of the service.

## Article 396

If in a case of termination of service on the basis of Article 392, Paragraph 1, Subparagraph 5, of this law, proceedings are stopped upon renewal or upon a request for protection of legality, or if the active serviceman is acquitted of the charge, or the charge is thrown out, but not because of the court's lack of jurisdiction, or if a penalty is pronounced that is less severe than the penalty of dishonorable discharge, it shall be as though service had not terminated.

It shall also be as though the service of an active serviceman has not terminated in the cases referred to in Article 246, Paragraph 1, of this law unless the penalty of loss of rank has been replaced by the penalty of dishonorable discharge of an active serviceman.

## 2. Procedure for Termination of Active Military Service

## Article 397

The commanding officer of a military unit or military institution holding the position of commander of a regiment (independent battalion) or equivalent or higher position is required to submit a proposal for termination of the service of an active serviceman if any of the grounds enumerated in Article 392, Paragraphs 1 and 2, of this law have come about to the competent officer (Article 494, Paragraph 1, Subparagraph 4) within 1 month from the date when those grounds come about.

In case of termination of service as envisaged in Article 392, Paragraph 1, Subparagraphs 1 through 3, of this law, the act of termination of service must be issued within 3 months from the date when the grounds for termination of service have come about.

In a case of termination of service envisaged in Article 392, Paragraph 1, Subparagraphs 5 and 6, of this law, the officer competent to issue the act of termination of service is required to issue that act within 2 months from the date of receipt of the executive order on the basis of which the act on termination of service is issued.

In a case of termination of service as envisaged in Article 392, Paragraph 2, of this law, the competent officer shall issue the act on termination of service within the regular transfer period (Article 272, Paragraph 2) for all personnel who up through 31 December of the current year will meet the conditions for termination of service on that basis, except for a person being kept in the service under the provision of Article 392, Paragraph 7, of this law.

In a case of termination of service as envisaged in Article 392, Paragraph 3, Subparagraphs 3 and 4, of this law, the officer competent to issue the act of termination of service shall issue that act within 2 months from the date of the signed consent or from the date of election or appointment of the active serviceman.

As an exception to the provision of Paragraph 2 of this article, an active serviceman whose service is supposed to terminate under Article 392, Paragraph 1, Subparagraph 2, of this law shall be retained in the service another year if on the basis of the evaluation and opinion of the competent authority of the medical service it is found that medical treatment was completed within that period and that that person will be fit for active military service.

As an exception to the provision of Paragraphs 1 and 2 of this article, the act of termination of service of the person referred to in Article 392, Paragraph 1, Subparagraph 3, of this law shall not be issued if the commander of the army or military officer of the same or higher rank decides that he shall be retained in active military service. Should that person receive an unfavorable evaluation during the next evaluation as well, the act of termination of service shall be issued within the period of time envisaged in Paragraph 2 of this article.

#### Article 398

The act of termination of service at the request of an active serviceman must be issued within 2 months from the date the application was filed.

As an exception, if particular needs of the service so require (in the case of an especially important job, or of a person who has particular specialized training or experience and an appropriate replacement cannot be found for him), the active serviceman referred to in Paragraph 1 of this article may be kept in the YPA as long as 1 year from the date of filing the application for termination of service unless the application was filed in order to meet requirements for a pension.

The act of termination of service at the request of an active serviceman who has not fulfilled the obligation of serving in the YPA related to schooling, a scholarship or advanced specialized training may be issued before that obligation is discharged if particular needs of the service do not require that he be kept in the service.

In a case of termination of service pursuant to Paragraph 3 of this article the Federation has the right to require of the person whose service has terminated reimbursement of the expenses of schooling, scholarship or advanced specialized training in proportion to the undischarged portion of his obligation.

The federal secretary shall prescribe the special needs of the service in the context of the provision of Paragraph 3 of this article.

#### Article 399

The service of an active serviceman on whom an act of termination of service has been issued shall be terminated by his discharge.

The person on whom an act of termination of service has been issued on the basis of Article 392, Paragraph 1, Subparagraphs 1 through 5; Paragraph 3, Subparagraphs 1 and 2; and Paragraphs 4 and 5, of this law shall be discharged from the service after 3 months have passed from the date when the act was issued. At his request the person may be discharged from the service even earlier if the interest of the service allows.

The person on whom an act of termination of service has been issued on the basis of Article 392, Paragraph 1, Subparagraph 6, of this law must be discharged from the service within 30 days from the day when his immediately superior officer has received the act of termination of service.

The person on whom an act of termination of service has been issued on the basis of Article 392, Paragraph 2, of this law shall be discharged from the service on 31 December of the year in which the act of termination of service was issued.

In the case referred to in Article 392, Paragraph 3, Subparagraphs 3 and 4, of this law, the active serviceman shall be discharged from the service on the date stated in the act of termination of service.

#### Article 400

The service of an active serviceman in the permanent Armed Forces shall be counted up to the date of discharge (Article 399). As an exception to the provision of Paragraph 1 of this article, in the case of an active serviceman who has been removed from his duty under Article 295, Paragraph 1, of this law and whose service is terminated on the basis of Article 392, Paragraph 1, Subparagraphs 5 and 6, of this law, service shall be counted up to the day when the verdict or decision on loss of rank became enforceable, but if that

person has willfully abandoned the service, service shall be reckoned up to the date when service was abandoned.

#### Article 401

The service of an active serviceman serving in a garrison in which service is performed under strenuous conditions (Article 274) may not be terminated without his consent on the grounds cited in Article 392, Paragraph 3, Subparagraphs 1 and 2, of this law before he obtains housing in the place where he intends to live after termination of service provided that housing units are being built in that place or are being obtained in some other way to meet the needs of military units or military institutions and that he has submitted an application for allocation of a housing unit in that place no later than 3 years before he qualified for an old-age pension or before he reached the age prescribed in Article 394 of this law for his rank or class.

### 3. Special Rights of Personnel After Termination of Active Military Service

#### Money Compensation

#### Article 402

A person who has reached the age stated in Article 394 of this law and whose active military service has terminated under the provisions of Article 392, Paragraph 1, Subparagraph 2; Paragraph 3, Subparagraph 2; and Paragraph 4, of this law shall be entitled to a monthly compensation because of termination of service to meet a need of the service (hereinafter "money compensation") if he has spent at least 30 years in active military service.

A person whose active military service has terminated under the provisions of Article 392, Paragraph 5, of this law shall be entitled to money compensation if by the date of termination of active military service he has spent at least 30 years in the YPA and if he has at least 35 years of pensionable service.

#### Article 403

The amount of the money compensation shall be 85 percent, but in the case of a holder of the 1941 Partizan Commemorative Medal and a person decorated with the National Hero Order, 100 percent, of the base for determination of that compensation.

As an exception to the provision of Paragraph 1 of this article, the amount of the money compensation for a person whose active military service has terminated under the provision of Article 392, Paragraph 4, of this law shall be determined according to years of pensionable service earned before the date of termination of active military service in the manner in which the level of an old-age pension is determined under regulations on old-age and disability insurance of military insured.



The base for determination of the money compensation shall be established in the manner in which the base is determined for a pension under regulations on old-age and disability insurance of military insured.

The money compensation determined under this law shall be adjusted at the beginning of every calendar year in the way pensions are adjusted of personnel who have qualified for a pension under regulations concerning old-age and disability insurance of military insured.

If the average personal income on the basis of which the base is established for determination of the money compensation increases more than 10 percent in the first half of the calendar year, the money compensation fixed under Paragraphs 3 and 4 of this article may be adjusted after 30 June of the current year to the rise of personal incomes in the manner prescribed by the federal secretary, mindful of how the pensions of personnel who have qualified for a pension under the regulations on old-age and disability insurance of military insured have been adjusted on that basis during the calendar year. The recipient shall be entitled to the money compensation beginning on the first day of the month after the month in which active military service terminated, but it shall be paid at the end of each month.

#### Article 405

The right to money compensation of a recipient of the compensation shall terminate as follows:

- 1) when he is again accepted into active military service;
- 2) when he qualifies for a pension;
- 3) upon accumulating 40 years (male) or 35 years (female) years of pensionable service;
- 4) upon reaching age 60 (male) or age 55 (female);
- 5) upon departure abroad for permanent residence.

As an exception the beneficiary of compensation who at the time when he reached the age stated in Paragraph 1, Subparagraph 4, of this law had not accumulated 40 years (male) or 35 years (female) of pensionable service under regulations on the old-age insurance of military insured shall retain the right to the money compensation until he accumulates that pensionable service, but no longer than reaching age 65 (male) or age 60 (female).

Emigration from the Socialist Federal Republic of Yugoslavia or residence abroad longer than 10 years shall be considered permanent residence abroad in the context of Paragraph 1, Subparagraph 5, of this article.

A recipient of compensation who resides abroad longer than 1 year or who takes employment abroad shall not be entitled to money compensation for that time.

#### Article 406

A recipient of compensation shall not be entitled to money compensation when he takes employment or independently engages in professional activity or self-employment whereby he has old-age insurance, and during military exercises in the Armed Forces if he is entitled to compensation for personal income or personal income for that time under regulations on compensation of personal income or on personal income during military exercises.

#### Article 407

The recipient of compensation shall be entitled to one-third of the money compensation while serving a prison sentence for a crime, and if he is supporting a family, one-half of the money compensation.

#### Article 408

The federal secretary shall designate the military unit or military institution which shall decide on the right to money compensation.

#### Article 409

The recipient of compensation is required to report facts or circumstances which have a bearing on a change or termination of the right to money compensation to the military unit or military institution referred to in Article 408 of this law within 15 days from the date when those facts or circumstances came about.

#### Article 410

Money compensation shall be charged to the financial plan of the Federal Secretariat for National Defense.

#### Social Insurance of Recipients of Compensation

#### Article 411

A recipient of compensation shall be entitled to old-age, disability and health insurance and to the family supplement and other child welfare under the same conditions as an active serviceman, and he shall also be entitled to compensation for recuperation under the same conditions as a person who qualified for an old-age pension under regulations on old-age and disability insurance of military insured.

Family members of a recipient of compensation shall also be entitled to health and old-age insurance to the extent and under the conditions as members of the family of an active serviceman.

In case of the death of the recipient of compensation, members of his family shall be entitled to a survivor pension under the same conditions as would be

the case if the recipient of compensation were in active military service at the time of his death.

#### Article 412

Contributions for social security of recipients of compensation shall be calculated against a base consisting of total income used as the base for determination of money compensation (Article 403).

Social security contributions and other contributions of a recipient of compensation shall be paid under regulations which apply to active military personnel.

#### Right to Training for Another Service

#### Article 413

A person whose active military service has terminated under Article 392, Paragraph 1, Subparagraph 2, of this law, if he has not qualified for a pension or money compensation, and a person whose service has terminated under the provision of Article 392, Paragraph 4, of this law, if he has not qualified for a pension, shall be entitled to training for another service by acquiring specialized training corresponding to the level of his specialized military training, if he has specialized training only for military service. The training may last no longer than 5 years. During the training that person shall retain rights arising out of employment except the right to a personal income.

The federal secretary is hereby authorized to issue regulations on the training of persons as referred to in Paragraph 1 of this article.

#### Right to Housing

#### Article 414

An active serviceman whose active military service has terminated and who has qualified for a pension or money compensation may submit a petition for allocation of a housing unit in the place where he wishes to settle after termination of active military service.

A housing unit shall be allocated to the person referred to in Paragraph 1 of this article under the conditions prescribed by the federal law regulating the funds and financing of the YPA and regulations on housing relations which apply in the place where the active serviceman intends to settle.

The federal secretary is hereby authorized to prescribe the way in which the petition shall be filed and the housing unit allocated under the conditions referred to in Paragraphs 1 and 2 of this article.

#### 4. Termination of Active Military Service in Wartime

##### Article 415

The provisions of Articles 392 through 398 of this law shall not apply in wartime.

During wartime service in the Armed Forces of active military personnel shall terminate under the conditions and in the manner prescribed by the State Presidency of the Socialist Federal Republic of Yugoslavia.

Recipients of money compensation who are not called up to serve in the Armed Forces during wartime shall be paid money compensation in the manner and according to the procedure prescribed for recipients of military pensions during wartime.

#### Title XV. Service of Civilians in the YPA

##### 1. Acceptance Into the Service

##### Article 416

Civilians shall be accepted into service in the YPA according to the need of the service, within the limit of work positions envisaged for civilians serving in the YPA (hereinafter "civilians").

##### Article 417

A civilian may be accepted into service in the YPA if he meets the general conditions prescribed by the federal law regulating mutual employment relations of workers in associated labor and the special conditions prescribed by the federal secretary.

The special conditions shall be prescribed according to the peculiarities of the work process and the work performed in the job and shall contain the requirements which the civilian must meet in connection with specialized and other abilities necessary to perform the work (specialized training, work experience, organizational abilities, age, special health conditions, psychophysical abilities, etc.).

At the time of a civilian's acceptance into the service his moral and political fitness for performance of service in the YPA shall also be evaluated.

##### Article 418

A civilian shall be accepted into service in the YPA for an indefinite period.

As an exception a civilian may be accepted into service for a specified period of time in the cases prescribed by this law.

#### Article 419

If certain work positions cannot be filled by transferring civilians with the appropriate specialized training who are serving in the YPA for an indefinite time or recipients of military stipends, civilians shall be accepted into the service.

#### Article 420

Work positions shall be filled by acceptance into the service of civilians in the following ways:

- 1) by a competition;
- 2) by announcing vacant work positions;
- 3) by direct acceptance into the service.

The decision to fill a work position may be revoked until the decision on acceptance into the service is issued. The work position for which a decision to fill it has been revoked may not be filled within 6 months from the date of revocation of the decision on filling the position unless the vacancy was filled by transferring civilians or recipients of military stipends.

#### Article 421

Work positions envisaged for civilians in managerial posts requiring senior postsecondary specialized training shall be filled by competition, except in the case referred to in Article 428 of this law.

#### Article 422

The competition must be announced.

The competition shall be announced in the news media.

The advertisement concerning the competition shall contain the conditions for acceptance into the service and the deadline for submitting an application, which may not be shorter than 10 days nor longer than 3 months, counted from the date of the competition's advertisement. If acceptance into the service is provisional upon trial work, the advertisement shall also contain information about that.

#### Article 423

A competition shall be conducted by the competition commission.

The competition commission shall examine the applications filed and shall establish the ranking of candidates on a list according to the conditions met by the various candidates (specialized training, work experience, specialized

and other work done and other facts influencing determination of the ranking of candidates on the list).

The competition commission shall keep a record concerning its work.

#### Article 424

The competent officer shall make the selection of persons for acceptance into the service among the candidates recommended on the list of candidates. The decision on the choice must be made by the competent officer within 3 months from the date of the deadline for submitting applications.

All the candidates who participated in the competition shall be notified in writing of the choice within 10 days from the date when the choice was made and shall be instructed that they are entitled to examine the competition material.

If none of the candidates is chosen, a new competition shall be scheduled within 3 months from the date when the decision referred to in Paragraph 1 of this article was made.

#### Article 425

If candidates do not apply in a competition or those who apply do not meet the conditions stated in the advertisement of the competition, the officer who has the power of acceptance into the service shall decide whether the competition shall be repeated or the work position filled temporarily with the person who does not meet all the conditions stated in the advertisement concerning the competition. If the work position is filled with a person who does not meet all the conditions contained in the advertisement concerning the competition, that person shall be accepted into the service for a specified period of time until the work position is filled through a competition, but not to exceed 1 year. That person's service shall terminate on the 8th day after the day when the job was filled with a person of the appropriate specialized training.

If a work position filled temporarily is not filled with a person of appropriate specialized training within a period of 1 year, it shall be assumed that the civilian referred to in Paragraph 1 of this article has been accepted into the service for an indefinite time.

#### Article 426

Vacant work positions shall be advertised in the news media.

The advertisement concerning a vacant work position shall contain the conditions for acceptance into the service--if acceptance is dependent upon trial work, then information about that as well--and the date by which applications must be filed, which may not be less than 8 days nor longer than 30 days from the date of the advertisement.

Vacant work positions reported to a component of the employment security service shall be considered advertised in the sense of Paragraph 1 of this article.

#### Article 427

The commission for acceptance into the service shall establish which of the candidates meets the conditions for filling the work positions whose vacancy has been advertised and shall propose the ranking of the candidates for acceptance into the service. The commission shall keep a record of its proceedings.

The competent officer shall select the candidate for acceptance into the service from among candidates recommended by the commission. The competent officer shall make the decision on the choice within 3 months from the date of the deadline for submitting applications.

All persons who applied to be accepted into the service shall be informed in writing of the choice made within 10 days from the date of the choice and shall be instructed that they may examine the information on the person selected.

If none of the candidates is chosen, a new advertisement shall be published within 3 months of the date of the decision referred to in Paragraph 2 of this article.

#### Article 428

Certain work positions shall be filled by direct acceptance into the service if the interests of security so require. The federal secretary shall state which positions they are.

The following shall be accepted directly into the service as well:

- 1) persons who as stipend recipients are required to enter service in the YPA;
- 2) persons whose active military service for a specified period has terminated if the needs of the service so require;
- 3) persons in scarce occupations or professional specialties to fill work positions designated by the federal secretary or officer whom he authorizes;
- 4) persons taken over to serve in the YPA from another government agency, organization of associated labor or other organization or community because affairs or facilities in the jurisdiction of that agency or organization or community have passed into the jurisdiction of the Federal Secretariat for National Defense;
- 5) persons being accepted into the service for a specified period of time less than 2 months if because of urgency the proceedings of public advertisement cannot be conducted;

6) persons accepted into the service for a specified period of time to do seasonal work in a military unit or military institution in which they did that work in the previous season;

7) persons being accepted once again into the service on the basis of the provisions of Article 477 of this law.

#### Article 429

Civilians shall be accepted into the service for a specified period of time as follows:

1) if performance of the work by its nature lasts a specified time (work in boilerrooms and the fuel storage facilities; construction work during the building season; work in gardens and work to maintain green areas; other similar work which lasts a certain time during the year), but not longer than 9 months in any calendar year;

2) if there has been a temporary increase in the work load which cannot last longer than 1 year, so that the work cannot be completed by persons serving in the military unit or military institution;

3) if they are to replace a person who is undergoing medical treatment (on sick leave), who has been sent to do required military service or in other cases when a temporarily absent civilian or active serviceman needs to be replaced;

4) if a work position is being filled by applying Article 425, Paragraph 1, of this law;

5) if in the context of Article 268 of this law the civilian is being accepted into the service and assigned to a position which the table of organization envisages for an active serviceman, but the competent commanding officer decides to fill that T/O position with a civilian temporarily;

6) if the civilian is being accepted for a trainee program, specialization or advanced training under the conditions set forth in law.

Service in the YPA of a civilian accepted into the service for a specified period shall terminate on the day when the job is completed, after expiration of the period specified, on the date of return to work of the absent person or on the date when the work position was filled in the manner prescribed in the provisions of Article 420 of this law if the absent person has not returned to work, on the date of completion of the trainee program, specialization or advanced training and upon filling of the T/O position with an active serviceman, of which the civilian must be informed in writing upon entry into the service. If the date of termination of service cannot be fixed in advance, service shall terminate on the 8th day after the reason for termination of service has come about.



Limitation of the length of service to a specified period under the provision of Paragraph 1, Subparagraph 2, of this article shall not apply to a civilian who has been accepted into the service for a specified period because of a temporarily increased work load in order to carry out training or carry out a program of production and services within the framework of interarmy cooperation or in order to perform certain tasks abroad. That person's service for a specified period shall terminate on the date of completion of the training or upon performance of the program for production and services or as of the date of return from abroad, except that service for a specified period in such cases may not last longer than 4 years.

Service in the YPA of a civilian accepted into the service for a specified period of time in order to replace a temporarily absent civilian or active serviceman sent to work abroad shall cease upon the date of return of the absent person from work abroad, except that service for a specified period in such a case may not last longer than 4 years.

If the civilian referred to in Paragraph 1, Subparagraph 5, of this article is retained in the service longer than 2 years in the same work position, he shall be considered accepted into the service for an indefinite time.

#### Article 430

The spouse of a civilian transferred to meet a need of the service whose employment has terminated because of that transfer shall have the same preference with respect to selection for acceptance into the service as the spouse of an active serviceman under the same conditions.

#### Article 431

The professional and other work abilities of a person who meets conditions for acceptance into the service (audition, written composition or other forms of checking ability) may be verified before acceptance into service in the YPA in the military unit or military institution in which there is a work position being filled.

If the person referred to in Paragraph 1 of this article does not display satisfactory results in the verification of professional and other work abilities, that person shall be regarded as not meeting conditions for acceptance into the service.

#### Article 432

A person entering the service for the first time after graduating from a school for targeted education or other secondary school or after graduating from a junior postsecondary or senior postsecondary school shall be accepted into the service on a trial basis, which may last as long but not longer than 1 year.

Other persons may also be accepted into the service on a trial basis if this is necessary because of the nature of the tasks of the work position which such persons are being accepted into the service to fill. In such case trial may not last longer than 3 months.

The purpose of the trial is to establish whether the work abilities of the person being accepted into the service (specialized training, resourcefulness on the job, work habits, etc.) meet the requirements of the work position to which the person has been assigned or whether that person can successfully perform the tasks and work duties of that work position.

The competent commanding officer shall decide according to the duties of the work position which work positions shall require a probationary period as a special condition for acceptance into the service by applying the provision of Paragraph 2 of this article; he shall state the manner in which the tasks specified for probationary work shall be performed, the length of the trial and the way in which the probationary period shall be monitored and evaluated.

A civilian who does not successfully meet the requirement of the probationary period does not meet the conditions for further service in the YPA. The service of such a person shall last until the day when the decision made on the basis of evaluation of the results of probationary work becomes final.

A civilian working on a trial basis who feels that work in the particular work position is not in line with his work abilities has the right at any time during probationary work to resign without justification and to so inform the superior officer. The service of that person shall terminate on the date of his resignation.

#### Article 433

If special health conditions or special psychophysical capabilities are being sought to fill certain work positions, candidates who come into consideration for acceptance into the service with respect to other conditions shall be examined in a military medical institution or in another medical institution at the expense of the financial plan of the Federal Secretariat for National Defense.

#### Article 434

Acceptance into the service shall take place on the basis of the decision of the competent commanding officer.

A person on whom a decision has been issued on acceptance into the service shall take up work after the decision on acceptance into the service becomes final.

As an exception, if the person accepted so wishes, permission may be granted for the person to begin work even before the decision on acceptance into the service has become final.

The person referred to in Paragraph 2 of this article must be informed in writing of acceptance into the service and of the date when he must begin work.

Rights and obligations on the basis of service are assumed as of the date work begins.

If a person on whom a decision on acceptance into the service has been issued does not take up work on the date specified without a justifiable reason, it shall be assumed that that person does not wish to undertake service in the YPA.

If the procedure prescribed for filling a work position has been nullified or if the decision on a choice made for filling a vacancy has been nullified, the service of a civilian who has begun to work shall terminate as of the date of delivery of the act of nullification of the proceedings or decision on the choice to fill the vacancy.

#### Article 435

A candidate for filling a vacant work position who feels that the prescribed procedure for filling a work position has been violated, and the breach could have essentially influenced the decision on the choice of the candidate, or that the candidate accepted does not meet the conditions envisaged, may file an appeal within 8 days from the date of delivery of the notification of the choice of candidate.

If the competent commanding officer who rules on the appeal finds that the procedure prescribed for filling a vacant work position has been violated, and the breach of procedure could have essentially affected the decision on the choice of the candidate, he shall nullify the procedure and the decision on the choice of the candidate, but if he finds that the candidate chosen does not meet the conditions set forth, he shall nullify only the decision on his selection.

The competent commanding officer is required to make the decision referred to in Paragraph 2 of this article within 30 days from the date of expiration of the period for filing the appeal.

A candidate for filling a vacant work position may institute an administrative dispute before the Supreme Military Court against the decision of a competent commanding officer made on an appeal and also against a decision in the first instance against which no appeal is allowed. If the Supreme Military Court finds that the procedure prescribed for filling a work position has been violated, and the breach of procedure could have essentially affected the decision on the selection of the candidate, it shall nullify the proceedings and the decision on selection of the candidate, but if it finds that the candidate chosen does not meet the conditions set forth, it shall nullify only the decision concerning his selection.

No administrative dispute may be instituted against the decision of the competent commanding officer made in the procedure for filling a vacant work position in the manner prescribed in Article 420, Paragraph 1, Subparagraph 3, of this law.

#### Article 436

A worker who is employed fulltime may also work in a military unit or military institution under the conditions and in conformity with regulations in effect in the jurisdiction where the military unit or military institution in which the worker is hired is located.

The federal secretary or officer whom he authorizes shall define the tasks and functions for whose performance the worker referred to in Paragraph 1 of this article may be hired.

#### Article 437

Performance of jobs or tasks which by their nature are temporary or occasional and do not last longer than 30 days in any calendar year shall not be considered service in the YPA.

A written contract for performance of the tasks and jobs referred to in Paragraph 1 of this article shall be concluded between the worker and the military unit or military institution concerning the temporary or occasional performance of jobs. The contract shall specifically contain the following: the type and manner of performance of the jobs, the period of time for performance of the jobs, and the amount of money income.

Personnel shall be hired to perform temporary or occasional jobs in the manner and according to the procedure prescribed by the law of the republic or the law of the autonomous province in which the military unit or military institution is located.

The federal secretary shall define the tasks and jobs referred to in Paragraph 1 of this article.

### 2. Aspects of Service

#### Article 438

A civilian accepted into service in the YPA shall be appointed to the work position whose work he is to perform. If the work of the work position is performed by more than one person, an assignment shall state which tasks or portion of the tasks of the work station the individual person shall perform.

The appointment is made by decision of the competent officer, and the assignment by order of the commanding officer of the military unit or military institution or person whom he designates.

#### Article 439

A civilian is required to perform the jobs and work duties assigned him conscientiously and in orderly fashion, abiding by the law and other regulations and orders and other official acts of the competent officer.

The civilian's performance shall be evaluated by the competent officer pursuant to the regulations issued by the federal secretary.

#### Article 440

Doing his service a civilian may be transferred to another work position to meet a need of the service unless the transfer requires moving to another station, if the transfer does not involve reduction of the monthly amount of personal income, not counting the supplement awarded according to special conditions under which the work is done in the work position and if the work position which is to be filled by the transfer calls for conditions with respect to the level and type of specialized training which correspond to the level and type of specialized training of the civilian or if the work of the work position to which the civilian is being transferred corresponds to the work of the work position he held up until the transfer (corresponding work position).

The consent of the person in question shall be required unless this law provides otherwise for a transfer requiring a move to another station or to another work position whereby the monthly amount of personal income would be reduced, not counting the supplement awarded according to the special conditions under which work is done in the work position, or to perform the work of a work position which requires a higher or lower level of specialized training or other type of specialized training than that possessed by the civilian or if the work of the work position to which he is being transferred does not correspond to the work of the work position he has held until the transfer.

The consent of the civilian for transfer to another station is not required as follows:

- 1) if the military unit or military institution in which he is serving is moved to another station, and the civilian cannot be appointed to a corresponding work position at the station;
- 2) if the military unit or military institution in which he is serving is dissolved, and the civilian cannot be appointed to a corresponding work position at the station;
- 3) if because of changes in the deployment of the military unit or military institution in which he is serving the civilian is transferred to another station, and that transfer does not require the civilian to move to another place to live;

4) if the work position to which he has been appointed is eliminated, and the possibility exists for appointing the civilian to a corresponding work position by a transfer to another military unit or military institution at another station, if that transfer does not require the civilian to move to another place to live.

It shall be assumed that a civilian's transfer in the context of Paragraph 3, Subparagraphs 3 and 4, of this article does not require him to move to another place to live if there is regular transportation to the place of the transfer and if the civilian does not spend a total of more than 2 hours traveling to and from work.

A civilian who has been transferred shall be returned to his prior station if he so wishes as soon as the possibility arises for appointing him to a corresponding work position.

Before the act to transfer a civilian is issued, the civilian shall be given an opportunity to state his opinion concerning the upcoming transfer.

The provisions of Paragraphs 1 and 2 of this article on transfer to another station shall not apply to a civilian employed in military units or military institutions whose activity requires that the work of the work position be performed away from the place where the military unit or military institution is located (field work).

#### Article 441

A civilian may be transferred on petition to another place or to another military unit or to a military institution in the same place or to another work position in the military unit or military institution in which he has been serving if the possibility exists for his appointment to a corresponding work position and if there is a need to fill that position.

#### Article 442

A civilian may be assigned temporarily, even without his consent, to another work position the performance of whose tasks requires the same or a higher level of specialized training or another type of specialized training than that which he has when the needs of the service so require (replacement of an absent civilian or serviceman, in order to perform the tasks of a work position which has become vacant until it is filled or because of other needs of the service), for a period not to exceed 1 year.

In exceptional circumstances (lack of raw materials or other materials, replacement of an unexpectedly absent civilian or serviceman and other urgent cases) a civilian may be temporarily assigned without his consent to a work position in which the work done requires a lower level of specialized training than that which he possesses, but only for the time that circumstance persists. An appeal against such a decision shall not stay execution of the decision.

A civilian may be temporarily assigned without his consent to another work position in which the work done requires a lower level of specialized training than that which he possesses if a protective measure, corrective measure or security measure lasting up to 6 months has been pronounced against him, so long as that measure is in effect, if he cannot be assigned to a corresponding work position during that time.

#### Article 443

Temporary assignment to work in another military unit or military institution or away from the station shall be done under the provisions of Article 271 of this law.

#### Article 444

A civilian may not work in another government agency, organization of associated labor or other organization if that is incompatible with his regular duty or with the nature of the work which he does in his work position.

#### Article 445

In the course of his service, depending on the needs of the service and the money funds approved for that purpose, a civilian may be sent for advanced specialized training or additional education (seminars, courses, completion of school, specialization, etc.).

Advanced specialized training in courses or in some other suitable manner may also be carried out before acceptance into the service if this is necessary to performance of the tasks of particular work positions.

#### Article 446

A civilian shall take a professional examination according to the regulations governing the taking of professional examinations of personnel in federal administrative agencies. If those regulations have not regulated the taking of professional examinations, the civilian shall take the professional examination according to the regulation of the republic or autonomous province in which his station is located.

The costs of the civilian's taking the professional examination shall be charged to the financial plan of the Federal Secretariat for National Defense.

#### Article 447

A civilian training for tasks which because of their complexity require that they be done by qualified or highly qualified personnel may take an examination in the YPA for the level of specialized education of a qualified or highly qualified worker. The examination may also be taken by a person who has been appointed to a work position requiring special knowledge necessary for maintaining military equipment and armament.

If the needs of the service so require, the federal secretary may introduce professional titles for the personnel referred to in Paragraph 1 of this article.

The federal secretary may also issue a regulation introducing other titles according to the nature of the tasks which a civilian performs in the YPA.

### 3. Working Hours

#### Article 448

The provisions of Articles 354 through 363 of this law concerning the working hours of military personnel shall also apply to civilians.

When working hours are rescheduled in conformity with Article 363, Paragraph 1, of this law, the performance of service by civilians may contain an interruption of as many as 60 working days in the calendar year, provided fulltime is the period of rescheduling does not exceed the average of 42 hours a week.

#### Article 449

The working hours of civilians who are instructors in military schools and artistic personnel in YPA culture centers and other military institutions as specified by the federal secretary shall also include the time necessary for preparation.

The time necessary for preparation referred to in Paragraph 1 of this article shall be equal to the preparation time in civilian schools with the same or similar curricula for the subjects in question or to the time which artistic personnel of the corresponding qualifications are given in civilian life.

#### Article 450

A civilian in a military unit or military institution shall be subject to on-call duty according to the schedule issued by the competent officer.

Ninety minutes of on-call duty as referred to in Paragraph 1 of this article shall be counted as 1 hour of effective work. A person who has had on-call duty for 24 hours shall be exempted from duty for the next 24 hours.

#### Article 451

If the work load so requires or if there is a need to work fulltime in work positions in which personnel work a short work schedule, a civilian may be accepted into the service according to a shorter work schedule than the fulltime established by this law as 4 working hours. Such a person may work simultaneously in two or more military units or military institutions or in organizations of associated labor in order to work fulltime.



If candidates who meet the conditions sought do not respond to an advertisement or competition, persons working fulltime may be hired for the work positions referred to in Paragraph 1 of this article. Work positions filled in this manner shall continue to be regarded as vacant and shall be advertised as such or a competition shall be announced at intervals not to exceed 6 months until they are filled with persons who are not employed or who are thereby increasing their working hours to fulltime. The service of a person working fulltime who has been accepted into the service shall terminate as of the day when the person hired in response to the advertisement or competition commences work.

#### 4. Rest and Leave

##### Article 452

A civilian shall be entitled to an annual vacation lasting from 18 to 30 workdays. The minimum number of days of annual vacation of a civilian shall be determined in a regulation of the republic or autonomous province in which he is serving, if that is more favorable for him.

A civilian qualifies for use of annual vacation after 6 months of continuous service, and he is entitled to use it in any calendar year.

The length of the annual vacation within the limits stated in Paragraph 1 of this article shall depend on pensionable service, work performance, working conditions and the special conditions of social welfare under which the civilian lives.

The provisions of Article 364; Article 365, Paragraph 3; Article 367; Articles 369 through 371; Articles 373 through 377; Article 378, Paragraph 2; Articles 380 through 387; and Articles 390 and 391 of this law concerning the rest and leave of military personnel shall also apply to civilian personnel, except that vacation lasting longer than 18 workdays may not be assigned to a civilian by applying the provision of Article 369, Paragraph 2, of this law. As an exception a civilian may be granted unpaid leave even longer than 30 days in a calendar year if the needs of the service allow, but not longer than 90 days.

A civilian who has been granted permission to take a professional examination has the right to paid leave lasting 7 workdays to prepare for and take that examination. The provisions of Article 379 of this law on procedure for granting leave to take examinations for rank or class of active military personnel shall also apply in the approval of leave for civilians to take a professional examination.

A civilian whose service is terminating at his request or without his consent requiring a period of notice shall be given the opportunity to use his annual vacation if he has qualified for it within the period of notice if the organization of associated labor where he is going to work has not accepted to allow him to use the annual vacation.

#### Article 453

A civilian who has been accepted into service for a specified period of time and has not met the conditions for annual vacation under the provisions of Article 452 of this law shall be entitled to paid leave whose length shall be determined in proportion to the time he has spent continuously in the service.

The vacation referred to in Paragraph 1 of this article shall be used immediately following termination of service or at the end of the year, and its length shall be on the basis of granting 2 workdays of vacation for every month of continuous service.

The person referred to in Paragraph 1 of this article shall be entitled to paid leave under the regulation of the republic or autonomous province if that is more favorable for him.

#### 5. Personal Income

#### Article 454

The personal income of a civilian shall be fixed according to his work performance and the contribution he has made by his current and past labor to performance of the jobs and work duties of the military unit or military institution in which he has been serving or which he has made during performance of service in the YPA, according to working conditions in the YPA and the conditions for performance of work in the work position, taking particularly into account the work load and the complexity of the jobs and tasks which he performs, the quality of results achieved, and the responsibility and conditions under which he serves.

#### Article 455

The personal income of a civilian shall consist of the following:

- 1) the portion of personal income determined according to the results of current work on the jobs and tasks performed in the work position the civilian holds (hereinafter "portion of personal income based on current performance");
- 2) the portion of personal income established on the basis of past labor.

The portion of personal income based on current performance of a civilian shall be increased according to the conditions under which service is performed in the YPA (hereinafter "service supplement") and according to the special conditions under which jobs and work assignments are performed in the work position (hereinafter "special supplement").

#### Article 456

The portion of personal income based on current performance of a civilian shall be determined within the limits of the maximum amount assigned to the

classification group of work positions of the jobs and work duties performed in the work position to which he has been appointed.

The maximum amount for determination of the portion of personal income based on current performance shall be established according to the importance, type and complexity of the jobs and work assignments performed in the work position, the responsibility that arises out of their performance, and other requirements which are sought for their successful performance.

The maximum amount shall be established so that the average personal income of civilians, not counting the service supplement, corresponds to the average personal income of personnel employed in organizations of associated labor in the corresponding activity or in the economy at the place or in the particular region where the military unit or military institution is located.

Within the limits of the maximum amount the portion of personal income based on a civilian's current performance shall be determined according to the results achieved in his work, the complexity of the jobs and work duties in the work position, the work experience of the civilians performing those jobs, and other criteria on the basis of which the civilian's contribution to performance of the jobs and tasks of the military unit or military institution in which he is serving is ascertained.

As an exception to the provisions of Paragraphs 1 through 4 of this article, the portion of personal income based on current performance of a civilian who is a distinguished specialist performing jobs and work duties especially important to the Armed Forces may be determined according to other criteria as prescribed by the federal secretary, mindful of the special needs of the Armed Forces for such personnel and for the prompt and competent performance of the jobs and work duties which that person performs.

#### Article 457

The portion of personal income based on past labor of a civilian shall be established in accordance with the criteria applied in organizations of associated labor and work communities, in the manner defined by the federal secretary.

#### Article 458

A civilian shall be entitled to the service supplement because of the special conditions under which service is performed in the YPA, and it shall be determined as a function of the type of jobs and work duties which the person performs in the military unit or military institution and also depending on the conditions under which those jobs and work duties are performed.

#### Article 459

A civilian shall qualify for the special supplement because of the particular conditions under which he performs jobs and work duties.

The provisions of this law concerning special supplements of active military personnel (Article 310) shall also apply to civilians so long as they have been appointed to work positions in which they perform jobs and work duties on the basis of which active military personnel qualify for that supplement.

#### Article 460

The personal income of a civilian who has been transferred shall be determined in the amount corresponding to the amount of personal income of civilians whose work involved the same or similar jobs and work duties in the place or in the military unit or military institution to which he has been transferred and in view of the performance he has achieved up until that time.

The amount of personal income of a civilian transferred to meet a need of the service (Article 440, Paragraph 3) determined in accordance with Paragraph 1 of this article may not be less than the amount of personal income he was receiving in the work position from which he was transferred.

As an exception to the provisions of Paragraphs 1 and 2 of this article, the personal income of a civilian who has been transferred, if he has more than 30 years of pensionable service (male) or 25 years (female), or if no more than 5 years remains before he or she qualifies for an old-age pension, shall be determined according to the job from which the transfer was made if that is more favorable for him or her.

The provisions of Paragraphs 1 through 3 of this article shall not apply to a civilian transferred because of a disciplinary penalty of assignment to another work position corresponding to that person's specialized training. The portion of personal income based on current performance of that person shall be determined according to the maximum amount established for the jobs and work duties in the work position to which he has been transferred.

#### Article 461

The portion of personal income based on current performance of a civilian temporarily assigned to another work position or temporarily detached to work in another military unit or military institution, if the temporary work lasts longer than 30 workdays, shall be determined for that time according to the maximum amount assigned to the jobs and work duties in the work position in which he is temporarily performing jobs and work duties, if that is more favorable for him.

#### Article 462

The provisions of this law concerning the personal incomes of active military personnel who are abroad shall be appropriately applied to civilians serving abroad or who have been sent abroad to attend school or for advanced training, or their personal income shall be determined by applying Article 456, Paragraph 5, of this law.

#### Article 463

The personal income of a civilian shall be increased for hours of nighttime work, overtime and work on holidays in accordance with the criteria applied in organizations of associated labor and work communities, in the manner prescribed by the federal secretary.

A civilian shall not be entitled to the increased personal income for hours of nighttime work, overtime and work on holidays if that work was ordered for the reasons prescribed in the provisions of Article 356, Paragraph 1, of this law, nor for work during the civilian's official travel.

#### Article 464

A civilian shall be entitled to compensation of personal income during annual vacation or paid leave, for state and military holidays, for leave awarded as a reward and other leave granted, except on paid leave, and also while attending school to which he has been sent by order of the competent military officer. Compensation shall be fixed in the amount of personal income to which he was entitled in the work position to which he was appointed.

A civilian who has been temporarily incapacitated by illness shall qualify for compensation of personal income during that time under the regulations which apply to insured persons-workers in the place where he is serving.

#### Article 465

A civilian shall not be entitled to personal income or compensation for personal income for hours or days in which he has been absent from work without justification.

#### Article 466

If personal income or compensation for personal income is paid for a specified number of days in the month, the daily amount of personal income or compensation for personal income shall be determined by dividing the monthly amount by the number of workdays in the month and the number of days equivalent to workdays by law in connection with rights to personal income.

#### Article 467

A civilian who has been removed from his duty, except for the time of serving a prison sentence, if during that time he has not been assigned to work in another work position, shall be paid compensation for personal income in the amount of one-third--one-half if he is supporting a family--to which he would have been entitled had he not been suspended from his duty.

If a civilian who has been suspended from his duty has been assigned to work in another work position during that time, the portion of personal income based on current performance shall be determined according to the maximum amount assigned to the work position to which he has been assigned.

Should the reasons referred to in Article 297 of this law come about so that a civilian is considered not to have been suspended, he shall be entitled to the difference up to the full amount of personal income according to the maximum amount assigned to the jobs of the work position from which he was suspended.

A civilian shall not be entitled to compensation for personal income while serving a prison sentence.

## 6. Awards and Other Rights

### Article 468

The provisions of this law concerning special compensation (Article 315), concerning rewards (Article 333) and concerning reimbursement of traveling and other expenses of active military personnel (Articles 340 through 346 and Articles 349 through 351) shall also apply to civilians except for reimbursement of moving expenses for moving to the place in which he wishes to settle after termination of service in the YPA unless the civilian has been transferred to meet a need of the service to the place where his service in the YPA terminated.

The provisions of this law concerning the right of the active serviceman to free housing when he is living temporarily in a military unit or military institution shall also apply to civilians if the civilian's personal income has not been increased on that basis, and the same shall apply to the right to a free meal while performing a service requiring increased physical and mental efforts (Article 352, Paragraphs 3 and 4).

### Article 469

A civilian who works on jobs in which he must have special clothing and footwear because of the nature of the job or in which clothing and footwear are consumed faster than ordinarily shall be issued work clothing and footwear gratis. Work clothing and footwear may also be issued gratis for use of a civilian during work in particular military institutions if the needs of the service so require.

### Article 470

A civilian appointed to a work position in which the work done involves an increased risk of injury or illness shall undergo regular medical examinations.

The federal secretary shall specify which are the work positions referred to in Paragraph 1 of this article and the intervals of the regular medical examinations.

## 7. Termination of Service

### Article 471

The service of a civilian shall terminate at his request, with his consent, without his consent or by force of law.

### Article 472

A civilian who wishes a service to terminate shall submit a written request to his immediately superior officer.

Reasons need not be given for the request for termination of service.

The competent officer is required to meet the request for termination of service. As an exception, in the case of a civilian who is required to remain in service in the YPA in connection with schooling, scholarship or specialization, the act of termination of service at his request may be issued before the obligation has expired, if the needs of the service allow. In that case the Federation is entitled to demand reimbursement of the costs of schooling, scholarship or specialization in proportion to the portion of the obligation which has not been discharged.

### Article 473

The service of a civilian who has willfully abandoned the service or who has requested termination of service, and abandons the service before expiration of the period of notice, shall terminate. It shall be regarded that a civilian has willfully abandoned the service if he is absent from his job without good reason for 5 successive workdays or 7 intermittent workdays in the course of 12 months.

Willful abandonment of the service shall be set forth in the decision on termination of service. Service shall terminate as of the date of willful abandonment of the service. An appeal against a decision on termination of service shall not stay its execution.

A person who willfully abandons the service is required to reimburse the Federation the loss it has incurred by that act.

### Article 474

Aside from the cases envisaged by this law as reasons for termination of service, the service of a civilian may also terminate with his consent.

### Article 475

The service of a civilian may terminate without his consent in the following cases:

- 1) if the work position to which he has been appointed has been eliminated because of changes in the table of organization, and the conditions stated in Article 476, Paragraph 1, of this law have been met;
- 2) if it is found that the civilian's work ability does not meet the requirements of the work position to which he has been appointed;
- 3) if he refuses to act in accordance with a final decision of appointment or of transfer to another corresponding work position, or if he does not respond in a competition for reappointment to the work position he has held until that time;
- 4) if he does not consent to transfer to a place to which the military unit or military institution in which he has been serving is being transferred (Article 440, Paragraph 3, Subparagraph 1);
- 5) if he does not consent to transfer to another place when the military unit or military institution in which he has been serving is dissolved (Article 440, Paragraph 3, Subparagraph 2), and within 1 year from the date of dissolution of that military unit or military institution it has not been possible to assign him to another corresponding work position in the place where he has been serving;
- 6) if he does not consent to transfer to another place when such transfer does not require him to change the place where he lives (Article 440, Paragraph 3, Subparagraphs 3 and 4);
- 7) if at the time of acceptance into the service he omitted to state or gave inaccurate information related to the conditions established by law or regulation enacted on the basis of law for acceptance into the service and for entering a particular work position, if such information had a bearing on acceptance into the service.

As an exception to the provisions of Paragraph 1 of this article, the service of a civilian may terminate by order of the federal secretary when particular needs of the service and the interests of the YPA so require.

If the number of civilians employed in a military unit or military institution or in an organizational unit (division, section, etc.) is being reduced because of changes in the table of organization, service shall terminate under the provision of Paragraph 1, Subparagraph 1, of this article of those civilians whom the commanding officer of the military unit or military institution, on recommendation of the commission established by that officer, finds to be redundant. In making its recommendation the commission shall give first consideration to the work-related attributes of those persons, to the possibilities of their reassignment to other corresponding work positions or their being hired in other government agencies, organizations of associated labor or other organizations, as well as to other circumstances.



The service of a civilian shall terminate under the provision of Paragraph 1, Subparagraph 2, of this article if there is no need to fill another corresponding work position in units or institutions of the YPA at the place where he has been serving or if he refuses to qualify himself for the tasks of another work position.

As an exception to the provision of Paragraph 4 of this article, the service of a civilian who does not meet the requirements of the work position because a federal law or regulation of the Federal Executive Council introduces different specialized training or a higher level of specialized training in the same field as that which he has as qualifying conditions for the work position he occupies may terminate under the conditions stated in Article 476, Paragraph 1, of this law.

#### Article 476

The service of the civilian referred to in Article 475, Paragraph 1, Subparagraph 1, of this law may not terminate without his request unless action is taken under a decision of appointment to another work position in the same military unit or military institution or other military unit or military institution in the same garrison or in the place referred to in Article 440, Paragraph 4, of this law which corresponds to his professional and work-related abilities or to a work position in which jobs are performed which correspond to the jobs or the work position which has been eliminated; or if he refuses a work position offered outside the YPA in the same place which corresponds to his professional and work-related abilities or a work position in which work is done which corresponds to the work of the work position which has been eliminated; or if he refuses to compete or does not submit an application for hiring in such work position; or if he refuses to qualify himself to perform the jobs of another work position.

The service of a civilian who has 30 years (male) or 25 years (female) of pensionable service or who has no more than 5 years left to qualify for a pension may not terminate without his or her consent on the basis of Article 475, Paragraph 1, Subparagraphs 2, 4 and 5, and Paragraph 2, of this law, except under the conditions stated in Paragraph 1 of this article.

The person referred to in Paragraphs 1 and 2 of this article whose service may not terminate without his consent and the person referred to in Article 475, Paragraph 1, Subparagraph 3, of this law who is not reappointed to a work position he has held shall be placed on waiting status until assignment to another work position or until a reason comes about for termination of service. During that time the civilian shall perform the jobs ordered by the competent commanding officer.

The provisions of Paragraphs 1 and 2 of this article shall not apply to a civilian receiving a pension nor to a civilian receiving compensation.

#### Article 477

A civilian whose service has terminated for the reasons prescribed in the provisions of Article 475, Paragraph 1, Subparagraphs 1 and 4, of this law shall have the right to reenter service in the military unit or military institution in which he was serving if within 1 year from the date when his service terminated the work position eliminated is reinstated or the military unit or military institution in which he was serving is returned to the place, and the work position has remained vacant.

The person referred to in Paragraph 1 of this article shall be summoned in writing to return to the service within a specified period of time. If that person does not respond to the summons, it shall be assumed that he does not wish to return to the service, and the work position shall be filled in the manner specified by this law.

The decision on termination of service must unfailingly contain instruction as to the manner of exercising the right to reenter the service (Paragraphs 1 and 2).

#### Article 478

The fact that a civilian does not meet the requirements of a work position he holds with respect to his work-related abilities shall be ascertained by a commission established by the commanding officer of the military unit or military institution.

The commission shall be made up from among specialists of the same discipline and at least the same level of specialized training required for work in the work position held by the civilian whose work-related ability is being ascertained. Persons outside the complement of the military unit or military institution may be appointed members of the commission if there are no such persons in the unit or institution.

The commission referred to in Paragraph 1 of this article shall not be established in case of a termination of a civilian's service under Article 475, Paragraph 4, of this law.

#### Article 479

A decision on termination of service may not be issued on a civilian whose service is to terminate without his consent under Article 475, Paragraph 1, Subparagraphs 1 and 2, and Subparagraphs 4 through 6, of this law so long as he is temporarily incapacitated by health or disabled according to a physician's finding, while he is undergoing specialized advanced training or specialization to which he has been sent by the competent commanding officer, while he is on annual vacation, military exercises or doing required military service, nor so long as a female civilian is pregnant, that is, to the expiration of maternity leave.

#### Article 480

A civilian whose service is terminating at his request, with his consent or without his consent has the duty and right to remain at work between 30 days and 6 months (period of notice) depending on the length of pensionable service, unless the civilian and the commanding officer of the military unit or military institution agree otherwise.

The period of notice shall be reckoned from the date the application was submitted for termination of service or from the date of delivery of the decision in the first instance on termination of service. As an exception, if service is terminating under Article 475, Paragraph 1, Subparagraph 3, of this law, the notice period shall be reckoned from the date of delivery of the decision in the first instance on appointment or transfer.

The decision on termination of service of a civilian whose service is terminating because of qualification for a pension may be delivered so that the period of notice expires no earlier than the day when he qualifies for the pension.

During the period of notice a civilian has the right to leave the workplace during regular working hours to seek other employment. Absence on this basis may last 12 hours a week, and in exceptional cases, if there is an urgent need, even longer, which shall be decided by the competent commanding officer.

A civilian whose service is terminating when he qualifies for a pension has the right to be absent from work up to 30 workdays during the notice period. A civilian who is absent from work on that basis relinquishes the right to leave under Paragraph 4 of this article.

#### Article 481

The commanding officer of the military unit or military institution is required to investigate all possibilities and take necessary steps to find employment outside the YPA for civilians placed on waiting status under the provisions of Article 476, Paragraph 3, of this law.

A civilian who because of elimination of the work position he has held or because of dissolution or transfer of the military unit or military institution in which he has been serving is placed on waiting status under Article 476, Paragraph 3, of this law shall have preference under equal conditions for employment outside the YPA [omission?--translator's note].

The Federal Secretariat for National Defense, within the limit of the funds earmarked for that purpose, may share in financing the employment of civilians whose service in the YPA is terminating under Article 475, Paragraph 1, Subparagraphs 1, 2, 4 and 5, of this law.

#### Article 482

A civilian whose work position is being eliminated or who is in a military unit or military institution being transferred to another place or being dissolved may be sent for the most necessary qualification to perform other work (retraining) before the decision on termination of service is delivered to him.

The civilian referred to in Paragraph 1 of this article who has been performing work exclusively in connection with military equipment, armament or other similar work shall be sent for retraining if because of the narrow specialty it would be difficult for him after termination of service to find employment outside the YPA on tasks requiring specialized training equal to the level of specialized training or qualification which he possesses.

The federal secretary shall issue regulations on the manner and duration of retraining of civilians for performance of jobs outside the YPA under Paragraphs 1 and 2 of this article, consistent with the manner and duration of training of personnel and organizations of associated labor.

#### Article 483

A civilian who has been placed on waiting status under the provisions of Article 476, Paragraph 3, of this law and whose service is terminating with his consent shall be entitled to severance pay as follows:

- 1) in the amount of personal income for 2 months if he has served more than 10 years in the YPA, the last 5 years continuously;
- 2) in the amount of personal income for 4 months if he has served more than 20 years in the YPA, the last 10 years continuously.

A civilian whose service is terminating on the grounds enumerated in Article 475, Paragraph 1, Subparagraphs 1 and 2, and Subparagraphs 4 through 6, and Paragraph 2, of this law, if he does not wish to exercise the right to the period of notice or if his service is terminating at his request before expiration of the notice, shall be entitled to severance pay in the amount of 50 percent of the personal income which he would have had during the notice period or the portion of the notice period not used.

A civilian who meets the conditions stated in Paragraphs 1 and 2 of this article shall be entitled to severance pay under both those paragraphs, except in the case of a civilian for whom employment outside the YPA is being furnished.

A civilian whose service is terminating because of qualification for a personal pension or at his request in order to exercise the right to a pension shall be entitled to severance pay up to the amount of personal income for 4 months depending on years of pensionable service.

In case of the death of a civilian members of his family shall be entitled to severance pay in an amount determined according to years of pensionable service of the deceased civilian if none of the members of the family is entitled to the one-time money assistance. If the amount of the one-time money assistance is less than the amount of the severance pay the members of that person's family would be entitled to, they shall be paid the difference up to the full amount of the severance pay.

#### Article 484

The service of a civilian shall terminate by force of law as follows:

- 1) if in the manner prescribed by law it has been found that he is completely unable to work--as of the date of delivery of the final decision on certified disability to the military unit or military institution in which he has been serving;
- 2) when he completes 40 years (male) or 35 years (female) of pensionable service or reaches age 65 and has at least 15 years of pensionable service--as of the date of expiration of the notice period stated in Article 480 of this law.

Service of a civilian shall terminate by force of law in the following cases as well:

- 1) if by the provisions of law or a final decision of a court or other authority he has been prohibited from performing the work of the work position he holds--as of the date of delivery of the final decision to the military unit or military institution in which he is serving;
- 2) if he has been sentenced to prison for longer than 6 months--as of the date of commencing serving of the sentence;
- 3) if a security measure, corrective measure or protective measure has been pronounced against him for a period longer than 6 months--as of the date of the measure's application;
- 4) if he has been punished by discharge from service in the YPA--as of the date of delivery of the enforceable verdict.

A civilian whose service is to terminate under the provision of Paragraph 1, Subparagraph 2, of this article may by order of the federal secretary be retained in the service as an exception if the needs of the service so require and if he consents to that, but no longer than when he reaches age 65.

A female civilian may remain in the service on the basis of a written request if she meets the conditions stated in Paragraph 1, Subparagraph 2, of this article, but only until she accumulates 40 years of pensionable service.

## Article 485

The decision on termination of a civilian's service must be in writing and must be justified. Otherwise it shall be as though the decision on termination of service has not been issued.

## 8. Special Provisions

### Article 486

The following provisions of this law pertaining to military personnel shall apply to civilians:

- 1) provisions concerning the meeting of the military unit or military institution (Articles 51 and 52);
- 2) provisions concerning execution of an order of military personnel (Article 53);
- 3) provisions concerning grievances and other petitions (Articles 56 and 57);
- 4) provisions on keeping state, military, official and trade secrets (Article 58);
- 5) provisions on travel abroad, on accepting foreign decorations and on joining a foreign association (Article 63, Paragraph 1, and Article 64);
- 6) provisions on decorations and commendations (Articles 126 and 127);
- 7) provisions on one-time money aid and other rights related to damage to the organism or death of an active serviceman (Article 40, Paragraphs 1 through 4; Article 141, Paragraph 1; and Articles 142 through 147);
- 8) provisions concerning the right of family members of a deceased active serviceman or concerning the right of an active serviceman in case of a death in the immediate family to reimbursement of expenses of shipping the remains to the place of burial if the civilian has been transferred to meet a need of the service (Article 152);
- 9) provisions concerning the disciplinary accountability of active military personnel (Articles 155 through 158; Article 159, Paragraph 2; Articles 160 and 163; Articles 165 through 167; Articles 169 and 170; Articles 172 through 176; Articles 179 and 180; Articles 182 through 192; Articles 194 and 195; and Article 206), provided as follows: that these disciplinary penalties may be pronounced against civilians for disciplinary offenses: reprimand, severe reprimand, assignment to other work position corresponding to the civilian's specialized training, reduction of monthly personal income by between 5 percent and 10 percent for a period from 1 to 12 months or discharge from service in the YPA; that defense counsel of an accused civilian before a military disciplinary court may also be a civilian; that the provisions of

Article 168 of this law shall apply appropriately to a civilian whose service has terminated because of the penalty of discharge from service in the YPA and an administrative dispute may not be conducted against a verdict of the Supreme Military Disciplinary Court if a disciplinary penalty has been pronounced as follows: reprimand, severe reprimand, assignment to another work position corresponding to the specialized training of the civilian or reduction of monthly personal income;

10) provisions concerning accountability for economic offenses (Article 216);

11) provisions concerning material liability (Articles 217 through 233);

12) provisions concerning the right to extended insurance of the spouse of an active serviceman who has been transferred (Articles 280 through 282);

13) provisions concerning suspension from duty (Articles 295 through 297);

14) provisions concerning personnel councils and personnel commissions (Article 298).

The provisions of sublegal regulations enacted to implement the provisions stated in Paragraph 1 of this article shall also apply appropriately to civilians.

#### Article 487

A civilian who while serving in a particular military unit or military institution or who in a work position has been performing tasks and jobs which because of their difficulty, character and the conditions under which they are performed require increased efforts shall be credited with pensionable service in that unit or institution or in that work position at an increased rate.

The military units or military institutions and work positions referred to in Paragraph 1 of this article and the manner in which the pensionable service of civilians in those units or institutions or in those work positions shall be credited at an increased rate shall be specified by the Federal Executive Council upon the federal secretary's recommendation.

#### Article 488

If because of departing to do or to complete required military service or for advanced specialized training by order of the commanding officer, because of election or appointment to self-management, public or other social office or because of departure with a spouse sent to work abroad a civilian interrupts service in a military unit or military institution, his service in the YPA shall not terminate if he returns to the military unit or military institution in which he has served within 30 days after doing required military service, following termination of the office which he held or after return of his spouse from work abroad. During that time the rights and obligations of

the civilian acquired on the basis of service in the YPA shall be in abeyance.

#### Article 489

When the personnel council of a military unit or military institution (Article 298) takes up matters pertaining to civilians, the trade union organization shall have the right to delegate its representative to the council.

When the competent officer is deciding on the extent of rights of civilians, before making a decision he must obtain the opinion of a commission which he has established for that purpose.

The trade union organization shall have the right to nominate one member of the commission referred to in Paragraph 2 of this article.

#### Article 490

The trade union organization may represent a civilian at his request or with his consent in the exercise of his rights arising out of employment. The initiative of the trade union shall also be used in resolving other matters pertaining to civilians.

#### Article 491

The federal secretary shall issue regulations on enforcement of the provisions of this law pertaining to civilians, as follows: on hiring, on rest and leave, on evaluation of performance, on more detailed criteria for determination of personal incomes and other benefits, on classification into groups of the work positions of civilians, on compensation for personal income during temporary disability which under regulations on the health insurance of personnel is charged to the organization of associated labor in which the insured person is employed, on specialized education and advanced training, on the obligation to work overtime, on establishment of output norms, on the work positions in which work clothing and footwear are supplied for use gratis, on the type of work clothing and footwear and on the length of time they last, on the length of periods of notice, on temporary or occasional work, and on other matters arising out of relations in the service which in federal administrative agencies are regulated by general self-management acts.

### 9. The Service of Civilians in Wartime

#### Article 492

The provisions of Articles 416 through 491 of this law shall not apply in wartime.



Title XVI. Competence To Rule on Relations in the Service and To Adopt Other Acts in the YPA

1. Competence To Rule on Relations in the Service

Article 493

The State Presidency of the Socialist Federal Republic of Yugoslavia shall rule on appointment, transfer, acceptance into active military service and termination of the service of generals.

Article 494

The federal secretary and commanding officers of certain military units and military institutions of the YPA shall rule on the following:

- 1) on acceptance of reserve noncommissioned officers, commissioned officers to the rank of colonel and military employees into active military service;
- 2) on the conversion of military employees to the corresponding ranks of non-commissioned officers or commissioned officers and on conversion under Article 43 of this law;
- 3) on the appointment and transfer and other types of status during service of noncommissioned officers, commissioned officers to the rank of colonel and military employees;
- 4) on termination of the service of active noncommissioned officers, commissioned officers to the rank of colonel and military employees.

The federal secretary shall specify the officers who shall perform the particular functions referred to in Paragraph 1 of this article.

Article 495

The act of dismissal from the service of a person on whom an act of termination of service has been issued shall be issued by the superior officer in the position of regimental commander or higher position.

Article 496

Acts of promotion, of appointment and transfer of active military personnel and of promotion of noncommissioned officers, commissioned officers and military employees shall not be substantiated. Reasons must be stated only if a petition or request of an active serviceman is being refused, except if a request for promotion to the rank of colonel or higher rank or for irregular and early promotion is being refused. If a petition for transfer of an active serviceman or civilian cannot be honored because of a need of the service, a decision to that effect shall be adopted consisting of a justification in the form of a note on the document, and the petitioner shall be so informed.

An appeal against acts of appointment, transfer, placement on waiting status and suspension shall not stay their execution. No administrative dispute may be conducted against an act of appointment and transfer nor against acts of irregular and early promotion.

#### Article 497

The federal secretary and officers of particular units and institutions of the YPA shall issue acts of acceptance into the service appointment, determination of personal income, termination of service and also other relations in the service of civilians, unless general regulations have provided for the jurisdiction of the Federal Executive Council.

The federal secretary shall designate in a special regulation those officers competent to issue the acts referred to in Paragraph 1 of this article.

#### Article 498

Acts concerning relations in the service of military personnel and civilian personnel which contain confidential information shall be signed for by those persons when communicated to them.

The date of communication shall be taken as the date of delivery in the context of regulations governing administrative procedure.

#### Article 499

If a serviceman or civilian feels that his rights have been violated by a final act ruling on his rights and duties arising out of relations in the service, he may institute an administrative dispute before the Supreme Military Court in order to exercise that right, unless this law provides otherwise.

#### Article 500

Jurisdiction for ruling on relations in the service of military personnel in wartime shall be prescribed by the State Presidency of the Socialist Federal Republic of Yugoslavia.

#### 2. Jurisdiction for Adoption of Other Acts

#### Article 501

Unless law or regulation enacted on the basis of law has specified the jurisdiction of another authority, jurisdiction with respect to subject matter to rule on administrative matters in the first instance shall belong to the commanding officer of the military unit or military institution in the position of commander of an independent battalion (division), regimental commander or commanding officer of a military unit or military institution of equal or higher position for whom the table of organization envisages the rank of lieutenant colonel or higher rank.

#### Article 502

The commanding officer of the military unit or military institution in which the person whose right or obligation is being ruled on serves shall be competent with respect to place for issuing a ruling in administrative procedure.

If the right or obligation of the commanding officer of the military unit or military institution referred to in Paragraph 1 of this article is being ruled on, or if by law that officer should be disqualified from making the ruling on other grounds, the commanding officer of the higher military unit or higher military institution to which he is immediately subordinate shall have jurisdiction with respect to place to issue the ruling.

#### Article 503

In administrative cases an appeal against rulings of the officer referred to in Articles 501 and 502 of this law shall be ruled on by the commanding officer of the military unit or military institution immediately superior to the officer who issued the ruling in the first instance.

#### Title XVII. Special Provisions Concerning Service in Particular Military Institutions

#### Article 504

The federal secretary may prescribe that military personnel and civilian personnel serving in certain military institutions of the YPA (hereinafter "work collective") whose activity is production-related, service-related or similarly related shall have rights and duties, in conformity with the character and task of the military institution, to realize income, to make decisions on internal organization and distribution of income and on other matters as stated in regulations enacted on the basis of this law.

The federal secretary shall designate the military institutions in which the provisions of this title shall apply and shall regulate in more detail the exercise of the rights stated in Paragraph 1 of this article.

#### Article 505

The work collective shall state in its own general acts which matters referred to in Article 504 of this law it shall decide on directly and which it shall entrust to the council of the military institution and other bodies of self-management.

The work collective shall adopt the general acts referred to in Paragraph 1 of this article in a meeting of the military institution.

#### Article 506

If the federal secretary or officer whom he authorizes finds that the general act of a military institution does not conform to law or to the task for whose performance the military institution was established, he shall call upon the military institution to bring that act into conformity with law or with the task of the military institution.

If a military institution fails to bring a general act into conformity with law or with the task for whose performance the military institution was established, the federal secretary shall abolish that act and replace the general act of the military institution with his own act.

The federal secretary may in the act referred to in Article 504 of this law specify that an individual general act of the military institution be subject to prior consent of the federal secretary or officer whom he authorizes.

#### Article 507

The commanding officer of the military institution referred to in Article 504 of this law shall be appointed by the federal secretary or other officer competent under regulations on appointment of military or civilian personnel.

The commanding officer of the military institution shall be accountable for his performance to the federal secretary or officer whom he authorizes. The commanding officer of the military institution shall also be accountable to the work collective, to the council of the institution or to other bodies of the military institution's self-management for execution of the general acts of the military institution, the decisions and conclusions of the council and other bodies of self-management of the military institution.

The commanding officer of a military institution shall have the right to stay execution of a general act of the military institution, the decisions and conclusions of the bodies of self-management if he finds that they are illegal or are not in accord with the task of the military institution.

If a work collective or body of self-management stands by its general act, decision or conclusion as referred to in Paragraph 3 of this article, the commanding officer of the military institution shall so notify the federal secretary, who shall act in accordance with Article 506, Paragraphs 1 and 2, of this law.

#### Article 508

The federal secretary or other officer competent for appointment shall designate active military personnel for the work positions in the military institution referred to in Article 504 of this law to be filled with such personnel.

## Article 509

Appeals against decisions of the commanding officer of the military institution referred to in Article 504 of this law, except appeals against decisions pronouncing disciplinary measures against military personnel or the penalty of imprisonment under Article 162 of this law, shall be ruled on by the institution's council.

## Part Three

### Title XVIII. Transitional and Final Provisions

## Article 510

Military employees who up until the date when this law takes effect have belonged to other services (Article 12, Paragraph 3) shall remain in those services, and the provisions of this law shall apply to them.

Military employees referred to in Paragraph 1 of this article who because of the limited number of positions specified by the table of organization to be filled with active military employees may not be appointed within the service to which they belong, as an exception to the provision of Article 267, Paragraph 1, of this law, may be appointed within another service if they consent to such appointment.

## Article 511

Active military employees with elementary specialized training, who as of the date when the Law on the Yugoslav People's Army took effect were in the classes XII through VII shall retain those classes and shall be promoted under the conditions prescribed in Articles 512, 517 and 518 of this law.

With respect to seniority classes XII, XI and X of military employees shall correspond to the ranks of sergeant, sergeant first class and senior sergeant.

The provisions of Article 28 and Article 79, Paragraph 3, of this law shall also pertain to active military employees in classes XII, XI and X.

## Article 512

An active military employee with elementary specialized training who was in service on the date when the Law on the Yugoslav People's Army took effect may be promoted to class VIII.

An active military employee with elementary specialized training who meets the general conditions for promotion shall be promoted to the higher class if he has spent time in the present class as follows:

- 1) 4 years in class XII and 4 years in class XI,

2) 5 years in class X and 5 years in class IX.

An active military employee with elementary specialized training must take an examination for promotion to class IX.

As an exception an active military employee with elementary specialized training who has spent at least 6 years in class VIII may be promoted to class VII [original reads "VI"] if his last regular service evaluation was "distinguished" and if he passes the examination for an active military employee in class VII. That person is required to spend 3 years in class VII.

#### Article 513

Active military personnel who before the date when this law takes effect qualified for promotion to a higher rank or class under the regulations that were in effect up until that date shall be promoted to the higher rank or class under the conditions that were in effect until that date if that is more favorable for them.

The provision of Paragraph 1 of this article shall also apply to active military personnel who before 31 December 1985 meet the conditions for promotion to a higher rank or class under the regulations which were in effect up until the date when this law takes effect.

The provisions of Article 69, Paragraph 2, of this law shall be applied to active noncommissioned officers who after 1 January 1987 met the other conditions for promotion to the rank of senior sergeant first class.

As an exception to the provision of Article 76, Paragraph 1, of this law, until 31 December 1987 an active commissioned officer with the rank of lieutenant colonel may be promoted to the rank of colonel even if he has not had the corresponding advanced training or specialization or does not have the scientific title of doctor, MA or specialist in a scientific field which corresponds to the arm or service to which he belongs, provided he meets the other conditions in that article.

As an exception to the provision of Article 77, Paragraph 1, of this law, up until 31 December 1987 an active commissioned officer in the rank of colonel may be promoted to the rank of major general in the service although he has not graduated from the National Defense School or the Operations School or other corresponding school or does not have the title of doctor of science, if he does have senior postsecondary specialized training for the service to which he belongs and if he meets the other conditions prescribed by this law.

#### Article 514

An active commissioned officer in a service who has senior postsecondary specialized training and who has passed the examination for the rank of captain in the service according to the program of the examination for commissioned officers in the service who have senior postsecondary specialized training shall not take the examination for the rank of major.

#### Article 515

An active commissioned officer who as of the day when this law takes effect has graduated from the command-staff academy or equivalent school shall be exempted from taking the examination for the rank of major.

An active commissioned officer who as of the day when this law takes effect has started to attend school in a command-staff academy or equivalent school and who has not taken an entrance examination shall be exempted from taking the examination for the rank of major if he successfully completes that schooling.

#### Article 516

Active commissioned officers who entered the Yugoslav Army before 15 May 1945 shall be promoted under the conditions prescribed by this law for active commissioned officers who have graduated from a military academy.

#### Article 517

As an exception to the provision of Article 512, Paragraph 1, of this law, an active military employee with elementary specialized training who entered the Yugoslav Army before 15 May 1945 shall be promoted up to class IV, except that he shall be required to spend the time envisaged in Article 512, Paragraph 2, of this law in the classes from XII to X, and the time envisaged in Article 79, Paragraph 1, Subparagraph 1, of this law in the classes from IX to V.

An active military employee with secondary specialized training who entered the Yugoslav Army before 15 May 1945 shall be promoted to class III. That person may be promoted to class III if he has spent 5 years in class IV and if he is in a position for which the table of organization envisages junior or senior postsecondary specialized training.

As an exception to Article 79, Paragraph 1, Subparagraphs 1 and 2, of this law, an active military employee who entered the Yugoslav Army before 15 May 1945 is required to spend 3 years in class VI and 3 years in class V if he has secondary specialized training or 3 years in class VI if he has junior postsecondary specialized training.

#### Article 518

The provisions of Articles 511 and 513 of this law shall also apply to personnel who participated in an active and organized effort in the National Liberation Struggle and who were credited with special service amounting to double the actual time by the competent authority for that period.

#### Article 519

An active military employee who has passed the professional examination for military employee within the limits of the specialized training which he has shall not take the examination for the class prescribed in Article 80 and Article 512, Paragraph 3, of this law.

The active military employee referred to in Article 517 of this law who had passed the professional examination within the limits of the specialized training he possesses before the Law on the Yugoslav People's Army took effect shall not take the examination for classes VII or III.

#### Article 520

A military employee in the music service who under Article 290, Paragraph 2, of the Law on the Yugoslav People's Army was required to pass the professional examination for military employee of class XII may not be promoted to a higher class until he passes the examination for military employee of class VII referred to in Article 80 of this law, and a military employee who has not passed the professional examination for military employee in class XII until he passes an additional examination.

#### Article 521

A reserve military employee with elementary specialized training may advance to class VIII, but he shall be promoted under the conditions stated in Article 85, Subparagraphs 2 through 4, and Article 88, Paragraphs 1 and 2, of this law, except that he must spend the time in the various classes prescribed in Article 512, Paragraph 2, of this law.

Military employees as referred to in Paragraph 1 of this article shall be promoted by the officer referred to in Article 97, Paragraph 2, of this law or by the competent authority in the republic or autonomous province pursuant to Article 98 of this law.

#### Article 522

In the case of an active noncommissioned officer who as of 12 May 1974 was attending school in a military academy or other school for active commissioned officers the time spent attending that school shall be counted as time spent in active military service.

Time spent attending school in a military academy or other school for active commissioned officers shall also be counted as time spent in active military service for personnel who as active noncommissioned officers were sent to attend such school before 12 May 1974.



#### Article 523

With respect to active military personnel and cadets who as of 12 May 1974 were in the YPA, concerning the length of the obligation to remain in service in the YPA (Article 306) the regulations in effect at the time when they started school shall be applied.

The provision of Paragraph 1 of this article shall also apply to military scholarship holders who had that status as of 12 May 1974.

As an exception to the provision of Paragraph 1 of this article, the duration of the obligation to remain in service in the YPA of active military personnel and cadets who attended school in military school for pilots shall be determined according to the revisions of Article 316, Paragraph 4, of this law.

#### Article 524

As an exception to the provision of Article 312 of this law, in the case of an active serviceman who participated in the National Liberation War and who during the war or at least 5 years after the war performed a duty higher than the duty he held as of 1 January 1972 the federal secretary may assign a personal income based on position of a higher position group than the personal income by position to which he would have been entitled according to the T/O position he was in.

#### Article 525

In the case of an active serviceman who before the date when this law takes effect met the conditions for the regular raise or position salary of a higher position group or if he should meet those conditions by 31 December 1985, the increase of personal income based on rank or class (Article 311, Paragraph 3) or the personal income based on position of the next higher position group (Article 312, Paragraphs 3 through 6) shall be determined according to the regulations in effect up until the date when this law takes effect, if that is more favorable for him.

#### Article 526

The provision of Article 352, Paragraph 2, of this law shall also apply to reserve military employees in classes XII, XI and X.

#### Article 527

As an exception to the provisions of Article 392, Paragraph 7, of this law, up until 31 December 1989 the State Presidency of the Socialist Federal Republic of Yugoslavia may decide that an active commissioned officer who is a distinguished specialist and who has been achieving exceptional results in his work shall be kept in the service even after expiration of the time prescribed in those provisions if the T/O position he occupies cannot be appropriately filled and if he consents to this, but no longer than his 65th birthday.

#### Article 528

As an exception to the provision of Article 404 of this law, the recipient of compensation who qualified for money compensation before 1 July 1983 shall be paid money compensation at the beginning of the month.

A recipient of compensation who on 11 February 1978 was employed or carried on a profession or was self-employed whereby he was covered by old-age insurance shall be entitled to money compensation in the amount to which he was entitled up until that date so long as that employment or his engagement in that activity lasts, but no longer than 6 months from the date when this law takes effect.

#### Article 529

The personal income of a civilian who has been appointed to a work position which by application of the criteria prescribed by this law or regulations enacted on the basis of this law is classified in a lower group of work position shall be determined according to the group of work positions in which the work position he occupies was classified before the day when this law took effect if he has more than 30 years (male) or 25 years (female) of pensionable service, if that is more favorable for him or her.

#### Article 530

A civilian accepted into service in the YPA from another agency because affairs were transferred from the jurisdiction of that agency to the jurisdiction of the Federal Secretariat for National Defense shall be given credit for the time spent in that agency on the affairs transferred to the jurisdiction of the Federal Secretariat for National Defense just as though the time had been spent serving in the YPA for the purpose of exercising rights under this law.

#### Article 531

The Law on Service in the Armed Forces (SLUZHBI LIST SFRJ, No 22, 1974, and No 5, 1978) shall cease to be valid on the day when this law takes effect.

#### Article 532

This law shall take effect on the 8th day after publication in SLUZHBI LIST SFRJ.

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YUGOSLAVIA

TEXTS OF CONTROVERSIAL STATEMENTS BY AUTHORS

Isakovic at Academy Session

Zagreb POLET in Serbo-Croatian 18 Jan 85 pp 6-7

[Speech by Academician Antonij Isakovic at the Serbian Academy of Sciences, authorized on 27 September 1984: "Moment 3"]

[Text] I have not prepared for this discussion. I am asking for the floor more out of a feeling of a duty to support the openness and seriousness of this conversation. Many important questions have been enumerated and noted. I still have the impression, however, that, out of the multitude of meetings that have been held in Belgrade, Serbia, or Yugoslavia, we are again repeating the same meeting. Only, it is better to repeat what affects all of us, every individual, than to keep silent! Let those who really do not care what happens with us and around us keep silent. Very often, there is no dirtier work than supposedly taking care not to dirty one's hands, through public statements, and thus enjoying the reputation of a loyal intelligentsia, suitable for every event and necessity. If I may express myself freely and figuratively, this economy of ours or the state of Yugoslavia seems like a tired old nag, frightened and uneasy; a horse which is mangy, covered with sores, and lame, so that everyone who comes up to it has an opportunity to describe it graphically, and since it has a hundred holes in it and on it, an opportunity has been created for many problems and tasks to arise, so that one simply does not know where to begin or which tasks should be completed first.

If I may continue even more freely, this tired nag of ours is so wounded because it was let loose, and became lost somewhere, bogged down under a burden which it is not capable of enduring, and now it cannot go either forward or backward. How can we pull it out, unburden it in order to save both it and the valuable freight that it carries, legacy of our revolution from a perilous, genocidal war? We are up against the wall, everyone knows that, and this is not acknowledged only by those who are the most responsible for the fair accompli which they have put before us, and not just starting yesterday.

I think that it is our duty to attempt to examine or at least look at some of the basic things. In this attempt, some things will be painful for us,

but we have to name them. I think that Cobeljic, Kosta Mihajlovic, Ivan Maksimovic, Dusan Kanazir, and Gojko Nikolis have spoken along these lines. At least that is how I understood their speeches.

### The Lie About the Federation

This is what I want to say. Yugoslavia as a country, a state, has historically been set up in such a way that two possibilities have existed for its progress: to develop as a federation, in which the borders between republics would be administrative and not state ones; a federation with a truly common market, planning, and everything that this implied, not just in the economic sense; as a community that nourishes what unites us and surmounts what divides us; in short, nourishing the AVNOJ [Antifascist Council for the National Liberation of Yugoslavia] Yugoslavia. The other possibility is the one we are facing, like some sort of reverse side of Yugoslavia; a trend toward a confederation, while constantly saying, lying to ourselves, that we are in a federation; forcing differences, splitting the language, and dividing up literature and history according to regional areas, even when there are no ethnic foundations, economic reasons, or least of all social needs for this.

According to my experience, viewed historically, Yugoslavia has always known how to find itself when it was most threatened, divided, and under many occupations, when its territory was being devastated by massacres, and the most dangerous domestic Nazisms were springing up -- it was then that this AVNOJ Yugoslavia was created, through the practical experience of war and not the apropos slogan "fraternity and unity."

At that time every chauvinism was clear and recognizable to us; we recognized real fighters, revolutionaries, we knew how to distinguish infallibly what was progressive from what was backward, and to crush immediately what was reactionary and conservative. We knew how to find the right answers and assign ourselves realistic tasks, in order to create a new history of our own.

After the liberation of 1945, and up to the present day, we have thus had two historic possibilities: whether we want to extract and develop that course of Yugoslavia from the revolution, or something else. Another course, however, began very quickly to come through, and it is taking us aside and imposing on us some foreign or spurious principle of Yugoslavia.

### Formation of OURs

Historically, something else happened in 1948. That was our conflict with dogmatism, Stalinism.

At that time the path to a confederation was halted, and the AVNOJ Yugoslavia broke out again. It put its back up in its resistance, and recreated and consolidated its unity; mutual trust suffered us, we went into a great battle, and the revolution was renewed.

And having learned from our mistakes, we passed through our purgatories.

In fact, with 1948 we gave the National Liberation Struggle its true revolutionary meaning. The year 1948 historically reveals and confirms that under the cloak of the National Liberation Struggle a revolution was also taking place.

The battle with Stalinist dogmatism was our greatest historical moment. Did we make use of it? We went up to a certain point, but no further. We stopped. We did not utilize the social break that had been found. Many things prevented us. And then we committed an oversight, and raised the curtain on this Yugoslavia as it is now. Under what principles is it developing? We are in love with and cultivate two main verbs: "to split oneself" (to divide oneself continuously), and "to close up into oneself" (to fence oneself off with a barrier, continuous feudalization, thus heading toward the creation of nationally pure areas).

There are not just eight basic units: in each one of them there is a trend toward further division, the formation of OURs [organizations of associated labor]. We ostentatiously advocate large systems and self-managing agreements that are not implemented. (I read somewhere that there are over a million such dead agreements throughout the entire country.)

If we look at world development, regardless of systems and social orders, their economies, communities, and sciences -- they are heading toward large-scale integration, associations, large systems; they are even going across state borders between countries with difference systems.

Since we are cultivating division, the paths of our development have been established in the opposite direction from the development of contemporary human civilization. We are not creating large systems, we are fragmented in almost all production and organizations (the postal service, the railroads, the energy system), and in practice we have cultivated a Proudhonist, petty-bourgeois "socialism" that has again been splendidly portrayed in our social morality. The root of its development must be changed quickly.

What Does "We Will Not Turn From Your Path" Mean?

And now, we are engaging in some criticism, and we have been doing it from the president's death to the present day, since we have gotten into a serious crisis. Not just the economic and Kosovo crises. Here the responsibility for the situation we are in must also be borne by the person most responsible for the postware fate of Yugoslavia. We will never state this as long as we as society bypass this, not wanting to change anything; we will remain chickens and we will continue to peck at each other. In this century there have been several major and great politicians who have led their countries, wars of liberation and conquest, and revolutions. These were Churchill, Roosevelt, Stalin, Mao, and Hitler. All of these figures died and became history. We as a society say of ourselves that we are very democratic, free of dogmatism, we were not determined historically by the prime figure in our revolution, and we did not put him in the context

of history. This was done in a way by the Chinese, the Russians did it as much as they were able, and the English did it in their own way with Churchill, as the Americans did with Roosevelt. We did not, however. Why? There are probably many reasons. One is that part of the management stratum (probably not a small part) thinks that one should not touch the legend, it rules by means of it, consolidates its authority and thinks that it is making socialism. I think that these standpoints are mistaken. The more we stand by the old, the worse it is for us. Then we will slowly but surely get into a hopeless situation, if we are not already quite close to it.

I ask you what is meant by the vows (not just in the stadiums when the home team wins, but also in the heading of the newspaper of one republic) "that we will not turn from your path." The basic meaning of this slogan would actually be solidarity with the leader of the Yugoslav revolution when the Cominform began to make the most serious insults about our struggle, equating our liberation army with the occupier armies of the satellite countries, as we then called them.

It was also the solidarity of the people with their President of the Republic, who represented the independence of the country. Thus, let us not turn from the path of the independence of our country and the democratic development of our Yugoslav socialism. Since 1948, however, we have also frequently rearranged ourselves, changed our economic systems and the country's constitutional systems, since it was necessary to seek increasingly better and more modern ways to develop as a progressive society. From a certain point, which has been discussed by economists, sociologists, and political scientists, we got something mixed up, and things started to go downhill. And now, instead of reexamining which turning point it was from which things went wrong, and what path led us to where we are now -- some circles and their representatives, so-called "defenders of the constitution," are more and more deliberately becoming deaf, repeating "that we will not turn from your path." And here, you see, it is precisely in the name of the principal path of the independence of the country, its democratic development, by which we entered the war and passed through 1948, that we are supposed to identify all the side roads, the complicated, hidden little paths that lead to places we might not even suspect. But we have to seek the right ways out, for a Yugoslavia not just of a confederation, but also of constant conflicts over every law, regulation, or general measures, over articles, songs, interviews; a Yugoslavia not just of differences but also schisms; a Yugoslavia with slower progress and intensified persecutions -- that is turning from the path, from the real path of our revolution and our Yugoslav society. And that path belongs to all those who have fought for it, as well as to all those who are building it, or more broadly, opening it up.

#### "Struggle Against Greater-Serbian Chauvinism, Hegemonism"

For decades, the slogan "struggle against Greater-Serbian chauvinism, hegemonism" has been stressed in postwar political life, sometimes very fiercely, often without justification, and in a campaign-like manner.

I would like to point out one other political meaning of it: this slogan has also been an umbrella for the bureaucratized communists of other peoples, and has made it possible for them to develop their own separatism, and for Serbian communists to be kept in opportunism, to be constantly yielding and losing the meaning for every initiative. The area of this republic has mostly developed and implemented decisions and ideas. It has neither created nor invented them.

And now, when Yugoslavia has been demolished like this, and we are faced with a hundred tasks, what now? There is no person or institution that can straighten out all our difficulties and problems. Possibly there is not even any need. There is only one way: continually developing democracy, public opinion. The tasks are so numerous and difficult that we can only succeed if millions of workers become involved in making decisions and solving them.

Today many decisions are adopted that are quickly suppressed. Sluggish and half-baked work creates hopelessness or senseless illusions about salvation from some sort of military dictatorship that would be supported by the forces of firm socialism. This is because an alienated bureaucracy is capable of anything, in any country. And then everything that was achieved in the battle with the Informburo and after it would be quickly erased and drowned.

#### Conviction of Seselj

Gojko Nikolic mentioned the conviction of Seselj to 8 years in prison. Such a conviction is disturbing. It is as if this threw a glove in the face of the democratic and socialist Yugoslav public, as if they wanted to say, "You just write and talk, but know what is waiting for you." To whom are the inspirers of such sentences recommending themselves? And what kind of socialism are they offering us?

The trial in Sarajevo was reminiscent of the Moscow trials in 1939.

But this is now 1984.

Such trials do great damage to our internal political life, not to mention foreign relations. The discussion that has been conducted since the death of our President should be moved back about a decade. A great deal will be seen better then. For example, people talk about the Constitution, the political system. You see that someone will not change and not permit himself to be changed. As a country, Yugoslavia has changed several constitutions, maybe four. And now suddenly this constitution, developed in this manner, must not be changed, i.e. someone wants the situation to remain the way it is. This suits someone, and does not suit someone else. Finally, I want to say that as we know, the Serbian people lives in many federal units; naturally, it favors a federal principle, but not a confederation such as I have already discussed.

## Federal State, and Not An Alliance of States

It is our duty to say that such a confederated Yugoslavia does not interest us. We support an AVNOJ Yugoslavia.

But even this AVNOJ principle is increasingly being misused and altered, so that in fact, even the betrayal of AVNOJ is actually being done by citing this historical act. Let me explain this more precisely: you see, we have 6 republics, but the name of our country is not the "Socialist Federal Republic of Yugoslavia," but rather the "Republic of Yugoslavia." It is the AVNOJ Yugoslavia! And thus a federal state, not an alliance of states. These are the authentic and original principles of AVNOJ. The AVNOJ Yugoslavia should not be confused with the Brioni Yugoslavia of 1970-1974. Just as we are fighting for the original principles of nonalignment in foreign policy, in the issues of our internal development we must fight for the original principles of AVNOJ. We who participated in the revolution did not think that these principles were adopted on the basis of some outside decisions and views, but rather that AVNOJ had grown out of the war as a result of the revolution, as the most decisive response to the fratricidal realities of that war.

What has our admittedly brief but historical practice shown with this "constituent element in the federation" in the provinces?

It is time to talk about this, and this would be a contribution to such a discussion.

## Republic of Serbia as a Legal State

I think that past practice has presented and exposed two existing things. First, that the Republic of Serbia as a legal state cannot by any means organize itself as all the other republics in the federation can and do. It is said that it is a complex republic; I would say that it is too complex. In the second place, in the provinces the "constituent element in the federation" is used to develop an aspiration for a complete separation, with a pronounced desire to become a new republic. In Kosovo this aspiration has been concentrated in a focus of "creating a pure Kosovo," and consequently the emigration is not stopping; decisions that have been adopted are not implemented, and people are being fooled.

In Vojvodina a practice of dismantling and separation has developed, from history and cultural history to the history of literature (the term Vojvodina literature is already being used, as well as Vojvodina people, Vojvodinians). The Vojvodinians are Serbs, Hungarians, Romanians -- in fact, all those who live in that area -- i.e., a unitaristic name has been created; as if then we would not all be Yugoslavs if we renounced that unitaristic name; but it is important to split and rename the Serbs. It is for this purpose that various Vojvodina reviews, encyclopedias, are being prepared.

I am for the provinces, but the "constituent element in the federation" should be removed, since we have seen what it means and where it leads.



This "element" is a perpetuum mobile foisted upon the Republic of Serbia, which only exhausts it, and with which the Republic of Serbia is being fettered.

Perhaps one should think about a referendum. Otherwise Serbia will come to the point of losing its national territory in peacetime, which has not happened to any state in Europe.

#### Positions and Opposition

I would like to add a few words to this transcript, since before I received the text of my statement so that I could authorize it, it had already been discussed in the press. And not just investigating it, but also challenging it! Bureaucratic authority is not disturbed by the situation in Yugoslavia, but rather by the open word that exposes it. It is arrogantly dissatisfied with our concerns, and does everything possibly not just to belittle them, but also to ascribe political intentions to them. But in fact we are divided not into the "position" and "opposition," but rather into those who are striving to say soberly and honestly where we have arrived and what we have all been reduced to -- and those who do not want to hear anything that is said to them; it is more important to them to catch our words that are welcome to them in order to settle accounts with each other through us. But everyone does his own work, and everyone will answer for his results. I believe that the frankness of this discussion is only one more proof of the willingness of our institution, the Serbian Academy of Sciences and Arts [SANU], to contribute to the welfare and progress of this country.

#### Beckovic at Literary Conference

Zagreb POLET in Serbo-Croatian 18 Jan 85 p 7

[Discussion by Matije Beckovic at a conference on literary creativity and cultural policy conducted at the Association of Serbian Writers on 10 January 1985: "Changing the Tone of the Barking"]

[Text] Njegos knew from somewhere and wrote that "When a dog crosses the equator, he changes the tone of his bark." It seems to me that this also happens to people when they come to the microphone.

But when we do not speak about the main subject, we have something to talk about for a long time and extensively. That is the secret of our proverbial eloquence. Especially we privileged, trusted individuals, who are versed in rhetoric and are paid for silence, hostages who know and preserve an important state secret: that not everything is the way the newspapers write, the courts say, and the schools teach.

The Patriarch Forgives, But Does Not Forget

The civil war is the central event of our history and our fate.

Our national poems have everything, except for foreign languages, interpreters, and translators. It seems that we have fought mostly with each other, and that is what we are doing today. It has been half a century since World War II, but we are still living by digging up pits, instead of covering up the blood and the wounds.

Even the patriarch is reproached for adhering to the monastic principle of forgiving, but not forgetting. Even in Dusan's Law, it was written that "Whoever desecrates the dead and get revenge through graves will be punished as if he had killed a person." But here at the dawn of the 21st century, our graves are being broken open, cattle are being blinded, and children and nuns are being violated. And why not, when we are doing this ourselves? We are seeking moral-political suitability in those who want to have a grave. We have activists who have the strength to sit on graves and strike out the names of the unsuitable dead. And why should we be surprised at them, when there are those who dare to burn the books whose flame has shamed all past tyrants and pyromaniacs.

They burn books in the Balkans, where writing books and poems is the most innocent of all the work that people engage in.

The spies defend the country from the poets. Poets are talked about like criminals, and the criminals like poets. Having lived for centuries under the etiquette of occupiers, we believe that no one suffers without a reason. He must have done something. In our time, his having raised his head is enough of an explanation.

Generations have been infected by politics, politics viewed as an orientation -- an orientation whose goal is for us to survive. Consequently, instead of one, we have almost 20 million Nasradin Hodzas and David Strbaces. But what if we find ourselves faced with an outcome in which we disappear while orienting ourselves?

There are nations and cultures older than our own, the sons of freedom-loving peoples, whose only unexpended goal is a best-seller book and record "How to Reach a Hundred," for the literate and illiterate. Is it any wonder then that no one has a single conviction for which he would endure any temptation? Malraux wrote in regard to Solzhenitsyn that he "envied him the problems he had." Everything that he is fighting for, Malraux says, we won long ago. If we had not, so that there would be freedom, a large part of our art would be superfluous. Instead of regaining our senses, we boast. Our latest boast before the world is that we are prominent debtors.

#### White Book

The White Book has been offered as the first proposal for solving the crisis and changing the political system. This is the latest political program, in which the theory of apartheid is promoted. Since we all have the same skin, we will be persecuted according to the color of our thoughts. Its authors see all evil in the flowering of freedom, and all good in the imposition of terror. Hundreds of intellectuals were hung with yellow tape,

and when those who had been branded tried to make this disgrace public, the anonymous authors of this tale were protected by law, since they were caught in the act. Dozens of our colleagues have participated in this conference against freedom, and to promote this work, the only one for Dracula's homeland. Probably they were happy that they were not on the list. But the book did not contain one bad poem, one unsuccessful aphorism, or a stupid statement. There was a great deal of competition. Can we at this meeting request that the ban be removed from this book in order to immortalize it and brand it forever? If not, those who were prevented from implementing it publicly would continue to implement it secretly.

Can we at this meeting, in the name of freedom, democracy, and the word that the Poles, compelled by necessity, took for the name of their trade union, even if we seek neither penalties now prisons for the authors of the White Book, seek freedom for all those who are slaving because of a crime of thought? Not just for the writers, but even more for the people without fame, who are slaving throughout the country for part of what we are saying freely here today. Thank you.

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